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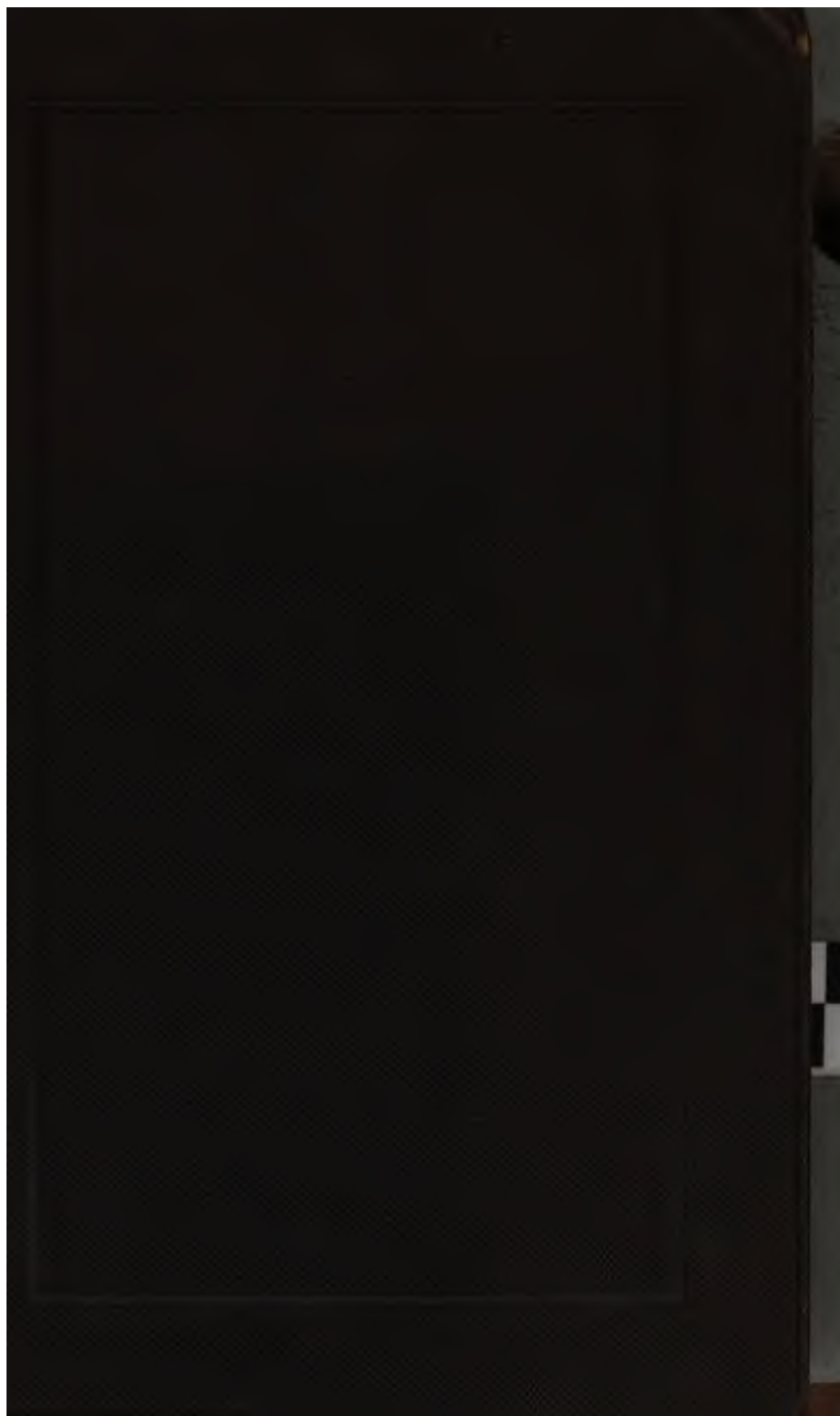
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A GUIDE
TO
MODERN ENGLISH HISTORY

BY
WILLIAM CORY

PART II.

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PREFATORY NOTE.

THE Second Part of this work is twice as long as the First Part, although it runs over only four years and a few months, or about one-third of the time surveyed in the First Part. This want of proportion, although excessive, is in a great measure justified by the excessive value of the work done for the British Commonwealth in the years now surveyed. These years, 1830-35, are full of the virtue and wisdom which make Modern England supremely worthy of a student's contemplation; it seems not too much to say that they form a period of paramount importance in the universal history of legislation and government. The book does not profess to be a history in the ordinary sense. In the selection of topics there may be detected some fantasy or partiality; but it should in fairness be observed that, as some topics neglected in Part I. are considered more synoptically in Part II., so there are now some other topics, such as the Bank Charter, set aside for treatment in Part III. or IV.

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A GUIDE
TO
MODERN ENGLISH HISTORY.

XXV.

AT the close of the year 1830 that body of gentlemen which it is fairly accurate to call the last of the Church and King Ministries gave up the conduct of English affairs. The cession was made at the right time, for there was just enough voting recorded in the new House of Commons to indicate that the governing families which swayed the counties agreed, for the occasion, with the public opinion uttered by those few great towns which in contested elections had to represent the commercial families ; and this public opinion was against the politicians who adhered to the defensive and anti-Gallican statecraft of Mr. Pitt's followers. The Church threw them over, because they had, the year before, ceased to be rigid Protestants. The King had no personal reason for liking them ; he was eager for popularity, and it was natural for him to wish to surround himself with 'servants' who would be popular. It was but four months since the Liberal contagion spread

from Paris to the towns of Britain. The inevitable ignorance of nearly all Britons as to the most recent business done in their Foreign Office made it impossible for the Liberal politicians of the towns to know that the Duke of Wellington was behaving quite fairly to the new and Liberal Government of France, and to the Flemings, who were trying to imitate the French. Party spirit forbade the Liberals in the House of Commons to recognise the Duke's honest and somewhat effective attempt at frugal management of the Treasury. The overrated wisdom of stock-jobbers was brought to bear on him ; when he checked the King's wish to go through a mob on his way to dine with aldermen, he thought in his simplicity that he was saving a good many heads from the staves of Mr. Peel's new police ; it turned out that besides this he was giving the stock-jobbers a chance of gaining a few thousands of pounds at the expense of the timorous people who, believing that the King and the Duke were menaced by conspirators, hastened to sell their claims on the State. It is a compendious way of blaming a Minister to say that he has sent down the price of Consols ; and those who have the trick of throwing phrases at fallen Cabinets have contrived for fifty years to speak of the fall of Consols in November 1830 as if it were a conclusive proof of Tory incapacity. It is more reasonable, though less brilliant, to say that the Tories must take their portion, which is no doubt a great portion, of the blame due to all the educated Britons for allowing the existence of that stupidity which used to break out

in credulity and alarm. If the credit of the State fell when William IV. broke his dinner engagement with the Lord Mayor, it was because a certain fraction of the claims on the State, called the National Debt, was held by people who could sell them whenever they pleased, and because amongst these holders of stock there were some who were at the mercy of a rumour or a lie. The breeders of alarming rumours would be as numerous and active now as they were in the first thirty years of the century, if there were a sufficient mass of ignorance to operate upon. If the Tories had been allowed to indulge their worst habits there would still be fuel for the sparks of irrational fear.

The Duke of Wellington lost supreme power, as he expected to lose it, because he offended his independent supporters by suddenly admitting Catholics to political places; and he provoked new and old adversaries by hastily exaggerating his faith in the representative system, which they thought a sham. Therefore it was right that he should yield his post; but let no one say that he damaged the State's credit, or injured any fellow-countrymen, except some helpless dupes of the stock-jobbers, by keeping the King out of the streets.

About the time of the Duke's retirement there were troubles in the shire of which he was the Lord-Lieutenant; and he, who had just been settling his country's posture in the moving scene of Europe, was one of many magistrates bound to be on the look out for rustic breakers of the King's peace. Some

parts of England lying south of the Thames were that autumn disturbed by a loose, headlong company of poor men rebelling against machinery. Starting from Kent, and traversing Hampshire, they stopped here and there to break the machines which were superseding the flail—machines which enabled one or two horses to do the work of many human arms. It was known to a few students that a thrashing-machine, like a wheelbarrow or a saw, was a help towards making the human race richer by giving it more command over nature. It was apparent to many practical men that they could by giving up the flail 'save some money ;' the practical man is satisfied as soon as he can arrive at this expression, which seems to him ultimate. Benevolent people, who were not students nor money makers, thought it grievous to use a machine and throw men out of employment. Benevolent people approached the cottagers mainly through Sunday schools, and in the Sunday teaching there was no lesson to explain the temporary loss of employment caused by a machine as being only a drawback to the permanent advantage. The well-meaning friends of the labourers could not meet their discontent except by preaching submission ; in their best frame of mind they reserved their own sympathy ; in moments of less self-restraint they favoured the resistance to art, and joined in lamenting the covetousness of improving farmers. They were almost disabled from arguing with the malcontents, because they did not feel sure that they were wrong in demanding employment.

For some thirty years it had been tolerably easy to keep in good humour or in sullen apathy the labourers of the southern shires, for they were in childhood coaxed into learning by heart a theological document part of which was intelligible to them—to wit, the part which set forth the duty they owed to their betters ; and their betters requited them amply for learning this lesson by giving them, as of right, weekly stipends whenever they were not earning wages. Most of the South Britons who formed public opinion and held on to the tail of Government were established in the belief that between the Catechism of the Church and the doles of the parish overseer they could manage all rustics except poachers and smugglers. Townsfolk might be irritable and easy to beguile, but villagers, surely, were charmed against evil thoughts by being illiterate. It was a current maxim that a little knowledge was dangerous. So it is, when it is so little as not to create a consciousness of ignorance. But even the denial of book and pen, even the artificial enhancing of the price of newspapers, could not exclude the dangerous flying dust of knowledge. Ploughmen and thrashers learnt, without having the alphabet, that some hopeful change had in the summer taken place in France ; and to them all the world that was not England was France. The world was jumping ; people from the towns, hawkers and vagrants, spoke of Reform ; what could Reform be, if it did not mean better wages ? Wages were low ; the rustics thought they were low because of machinery. A few out of many acted on this

notion, and the chant of legal freedom was transposed into the march of riot and arson.

No wonder the squires and the parsons were scared by this variety of anarchy. People of an historical turn of mind ran this little bead of crime along the string of generalizing memory till it lay close to things that had happened fourteen or twenty years ago—the crimes of the Luddites, who broke lace machines, the crimes of the Blanketeers, who started from Lancashire on a crusade. Others, who had more taste for inventing a case than for comparing maladies, pointed to the diffusion of useful knowledge as a remedy for such a disease as the hatred of machinery. There must have been a few good patriots who fitted the phenomenon of machine-breaking into a theory of state-holding ; who connected the rustics' passion for custom with the falling Tory's prejudices, and expected the coming Whigs to reform Parliament with a view to scientific legislation fruitful of economic schemes.

All agreed that, through the ordinary action of magistrates and of skilled lawyers, the poor ignorant rustics must be chastised. Alarming as the outrages were to people wholly unaccustomed to war, there was not so much trepidation as had been caused in the Sidmouth times by less formidable movements.

The breakers of thrashing-machines began in Kent, troubled parts of Hants, Berks, and Wilts, and reached Cranborne Chase, on the edge of Dorset.¹ Local

¹ A Tory duke wrote to the Duke of Wellington that the part of the country in which he was residing was 'wholly in the hands of rebels.'

tradition points to a cellar or crypt in an old manor house belonging to the Marquis of Salisbury (Viscount Cranborne), in which the last of the rioters, when wearied and encompassed, were shut up for a night ; if it held them, they must have been reduced to a small company. Nor were they, apart from machinery, dreadfully ferocious. In a village on the borders of Hampshire, Wilts, and Dorset, they came at night to a parsonage, fresh from the destruction of their senseless enemies, and from the incidental burning of corn-ricks ; they were met by a courteous rector, who had, as a naval chaplain, been under French guns. He asked them to sit down on his lawn, and make no noise, as his wife was giving birth to a child ; he rolled out a barrel of cider for them, and they were courteous guests. They called on the rector's favourite farmer, and tempted his son, a fine, promising lad, to join them in their next frolic. This lad was singled out, as the first in social station, amongst the felons tried by special commission, and, when mere labourers were spared, he was hanged. This piteous ending of the smock-frock insurrection may be taken to mark the times. Before the completion of civil freedom the English Government dared not be more merciful ; but the English people wished its Government could be more merciful.

When the excitement of the people was throwing off these two bubbles of alarm—the City's fear of a

The Duke of Wellington, as Lord-Lieutenant of Hampshire, reported to the Home Office a military operation, in which some magistrates employed twenty lancers and twenty guards, and captured without a blow seventy-one 'ringleaders.'

plot and the southern farmers' dread of arson—the Court seems not to have been frightened. The little knot of ladies and gentlemen who for a few months had been enjoying palace life perceived that events to which they did not contribute were releasing their master from the faithful but stiff agency which he took as part of his inheritance from his brother. They were in no danger of being invaded by Jacobins or by Radicals. The aristocracy was menaced but unbroken. The successors of the Church and State men could only be lords and friends of lords, owners of boroughs, zealots for the Constitution, believers in patronage. As the Church and State party was split by angry dissidence, and as the Protestant half of the party was not clever enough—did not even think itself clever enough—to manage public affairs, there was nothing to be done but to call in the other party.

The Whigs, on whom Government devolved, had a higher conception of the State than the Tories; they set the State in their affections above the Church; they were on the whole less religious than the Tories, and their literary interpreter, the 'Edinburgh Review,' was said to be, esoterically, quite indifferent to revealed religion. The Whig idea of the State comprised a selection of one body of clergymen, with a pliant joint holding this clergy to the State's service; but a Whig would, as far as possible, avoid all contentious questions about the Church, and if forced into them would take refuge in statutes in such a way as to show that he thought the law might without sin be changed. A Whig would maintain with

composure that the State could be perfect even if there were no Church ; he would also think it an honourable difficulty, a trial of his skill, to manage the State's affairs in relation to the Church. Every true statesman would rather bear than shrink from the task of doing justice to religious bodies, and in enforcing the obedience of a religious body he would as long as possible do without coercive ordinance or manipulative statute ; he would not scruple about that treatment of persons which a man of the world calls management, and a Puritan corruption.

The Whigs originally learnt their maxims from a rational writer, Locke, rather than from writers such as Bacon, Hooker, and Milton, whose rationality was intersected by theology. In Locke's days, that is in the reign of Charles II., monarchy, hereditary and tenable by a child or by a woman, was felt to be necessary as a protection against a military oligarchy or tyranny ; but this monarchy was by Locke and his disciples considered to be a thing ordained by men. Others thought that a monarch was above positive law, yet not absolute, for he was to be restrained by two forces—the authority of the priesthood and the spirit of the law. Whigs did not trust either the priesthood or the unwritten law ; they held that the monarch was to be bound by statutes. This doctrine, that a monarch is to obey statutes, is modern. In the Middle Ages men made covenants with kings ; the Great Charter was a covenant. In the days of Charles I. men recurred to the mediæval way of dealing with a king ; this method failed. After

the splendid experiments made by Pym and Hampden, another generation turned the Great Charter into the first of a set of statutes which restrained the king. There was one project of law which did not become law—the bill for excluding James the Catholic from his brother's, Charles II.'s, inheritance. It was in this attempt to limit monarchical inheritance that the Whig party was formed. After sufficient pain and bloodshed, this party was felt by the intelligent part of the English and of the Scottish nation to be a sort of Protestant sect.

Lady Rachel, the daughter of a Cavalier earl, the widow of William, Lord Russell, the mother of a lady who married the chief of the Cavendish family, gave this sect a certain grace in the eyes of good men and women ; her dutiful wifeness, and her calm grief for a husband who died on the scaffold, were made known by a rational narrator, Burnet, who, unlike most writers of hagiology, was an eye-witness of the piety he described. For the first time since the age in which the noble Stoics were persecuted by Roman Emperors, political virtue appeared in authentic literature with stainless beauty. People who habitually felt for injured Christians, and were ready to give alms after sermons to Alpine peasants plagued by the Duke of Savoy, or to French peasants driven from home by Louis XIV., were taken out of the region of evangelical sympathy and carried away into politics at once reasonable and passionate, when the champions and martyrs of freedom resisted James II.¹ Without this popular favour

¹ Macaulay, at Edinburgh, in 1839, used these high words when proclaiming his devotion to the Whig party, then poor in devotees.

the Russell and Cavendish connection would have been far too weak to effect anything. On the other hand, a popular movement, however religious, must have ebbed after once breaking in upon the Court. The gentlemen who, without being Whigs, enabled the Whigs to establish the sovereignty of William and Mary, were sure to give up to some successor of the elected sovereigns the greater part of what they wrested from their last Catholic ruler. The Tories had a sort of instinct for customary liberty; but they had no settled theory of universal obedience to law, of a nation's right to judge its rulers, of annual bargaining with the monarch, of fencing the law courts against his interference, of watching his transactions with foreigners. Left to themselves they would have gone back, not the whole way, but more than half-way, to the state of things that existed in the middle of Charles II.'s reign; they would have split into a Court party and a Country party. It was from the Whigs that they got lessons; in the course of thirty or forty years after the Revolution there arose many families of gentlefolks who professed to abhor Whiggery, yet held firmly the principles of Locke and Shaftesbury. There were not many occasions in the hundred years that followed the Revolution for manifesting the original difference between the two sets of aristocratic politicians; nor is it easy to trace the Whig succession, or to mark out a series of pure Whigs. On the surface of history, as it is written, most Whigs seem to have been unfaithful to their principles. They seem to have been too in-

dulgent to monarchs when they found that they could manage them, too obsequious to them when they found them strong-willed. Carteret is an example of the one, Chatham of the other, weakness ; and these were the best champions of England against Europe. The Whigs erred far more grievously when they made friends with an Heir Apparent and encouraged him to be undutiful to his father. Secondary mistakes are noted in their endeavour to withhold from Parliament the power of limiting the Regency and the right of censuring George II.'s second son when he was commanding the army.

The principle of subordinating the monarchy to the legislature was unavoidably held in abeyance when the first two Georges reigned without trying to resemble their predecessors ; there was not much occasion for asserting it. In these times the Crown became an ornamental synonym for the Government. When George III. ruled in imitation of Charles II., the Whig principle was tried. By that time many governing families had melted into that world of fashion which dilutes a principle. The House of Bedford was not austere ; Burke, the enthusiast of Whiggery, had to look to the House of Wentworth for the maintenance of the standard. Nor is it easy to name any great family but the Fitzwilliams that did not, between the accession of George III. and the accession of his grand-daughter, decline more or less from the ideal stiffness and abstinence. It was only by resolute abstraction that a man entering into life at the time when Whig was equivalent to Foxite

could renew the faith that Burke in his youth embraced. One had to refuse to consider sundry facts, and to set the mind on a typical William of Orange, if one was to be a monarchist without being a follower of Mr. Pitt. To be a monarchist in the Regency and in the ten years of George IV. without being a Tory was to walk on a tight rope with a balancing pole. A good Tory might do homage to a sovereign on transcendental principles ; he might hold that the unworthiness of the person did not hinder the grace of the ordinance. But a true Whig must have a king amenable to reason ; and as the founders of the Hanoverian dynasty had not abolished the oath dictated to a sovereign at his coronation, every successor of Queen Anne could at any turn of politics enjoy Queen Anne's passionate scruples and caprices, and could make it hard, if not impossible, for a rational statesman to speak and act for him. Within less than two years from the death of Mr. Pitt, to whose ascendancy he had generally yielded, George III. put the Whigs away from him because they would not promise to abstain from proposals which were against his conscience. He thus established for his sons a rule quite incompatible with Locke's rational theory of government ; and if his sons had been as temperate, robust, and dignified as himself, there would have been nothing for the Foxites to do but to turn Republicans. The royal conscience became the ark which no one was to inspect. So long as there was such a character as George III.'s on one side, and such a character as Mr. Fox's on

the other side, the great bulk of virtuous families in Britain had naturally disliked government by reason. The intellectual part of the aristocracy escaped from a hopeless position only because its antagonist, the royal conscience, became vile in the character of George IV. The original principle of the Whig-party was resumed when George IV. died. It seemed to be again quite possible to take the posture of the king's servant with a resolve to be, with the king, the servant of reason.¹

Although many families which had supported the Hanoverian monarchy on rational principles had floated away with Lord North, or had deliberately attached themselves to Mr. Pitt, or had gradually become indifferent to the old party symbols, so that you could not say offhand whether a Bentinck, a Walpole, a Hervey, or a Stanhope could be reckoned on by either side in Parliament, yet there had naturally arisen a great number of newer families that were connected with the old Whigs by marriages; and the steady increase of the value of land, with the gains of lawyers and the profits of mining, had brought strength to many owners of mansions who for many years had found but little favour at Court. Besides this natural increment, the followers of Mr. Fox had been reinforced by the better half of the literary people—by those who learnt the best lessons of the

¹ Trinity College, Cambridge, preserved the Whig faith by awarding a yearly prize to a student who wrote the best eulogy on William III. The founder of this little institution must have been one of the men who cherished a political idea with more than a mere politician's zeal.

day at Cambridge, Edinburgh, and Glasgow.¹ And in the nurseries of Toryism the more liberal Tories, Canning and Huskisson, had been rearing a strong growth of cleverness, which was glad to escape from the passionate sophistry of the close Eldon party. In the year 1828 it was said deliberately by Mr. William Lamb, who had been twenty-three years in the open waters of London life, that he knew no young Tory of promise. He who said this was a Whig, and had joined Mr. Canning in order to get, before he was too old, employment and experience. In the year 1830 the Duke of Wellington, probably by the advice of others, tried to strengthen his unpopular Cabinet by inserting three ministers who had been under Mr. Canning's influence. He found them not quite pliable enough ; they were ready to yield to the first touch of a Whig leader ; it was too late for such clever men to act with what they felt to be the stupid party.

The Whig's indifference to the super-rational quality of royalty must be taken to be the proof and test of his intellectual freedom, rather than as the mental habit which attracted young followers. Earl

¹ Mr. Hallam, who wrote a synoptic and sensible account of the Middle Ages, was a pure Whig ; he was famous in 1831, but he increased his fame afterwards by a book about the literature of modern Europe up to the year 1700, of which it was said that no one in Europe could have done the work so well. Mr. Thirlwall wrote a Whig history of Ancient Greece, which begun to be generally read soon after the restoration of his party. Mr. Waddington wrote, about the same time, a Whig history of the Church. These three historians, who would have been leaders in an English academy, had England been blessed with an academy, may be taken as samples of that literary wisdom which corresponded with the statesmanship of the Whig reformers.

Grey happened to be the most inflexible of the Whigs that continued through the twenty-four years that followed Mr. Fox's death to play the parliamentary game ; his vigour gave him authority with those who knew something about him ; and this authority marked him out for the new King's notice. But the nation hardly knew him. He had lived a great deal in the country at a distance of several days' journey from London, bringing up a long family in simplicity and high discipline. He had lived sixty-six years in dignity, without pleasure, without popularity. He had not had enough to do. When called to action he was not senile, but he had some of the peevishness of a recluse. He seemed to his most sensible colleague to be never satisfied with anything done either by another or by himself ; but this melancholy was from most men concealed. He had made, in the prime of life, at least three mistakes. He played the courtier in screening the Duke of York ; he argued crossly against persevering with the defence of Spain, when Wellington argued for it ; he chose his wife's brother, a dull Ponsonby, to lead his party in the House of Commons.¹

Some men, who are too liberal as politicians to think fairly of high Whigs, blame Lord Grey for standing aloof from Mr. Canning when some good Whigs joined him, and they ascribed this act to pique

¹ Sir James Mackintosh was once his guest in Northumberland, and wrote down in his journal that he never saw a home so pure and orderly. His host is said to have thought him a flatterer, and therefore to have kept him out of his Cabinet ; this is the only explanation publicly given of an exclusion which was at the time thought strange.

and family passion ; but it may be held that he was right in declining to hold office under one who was ingratiating himself with George IV. by delaying the concessions due to the Catholics ; at all events it is certain that by avoiding the flexible Pittite he saved for his party, and for his country, his unique authority. He was proud, and his pride smothered that vanity from which it was impossible for him to be wholly exempt. Of his peculiar severity he made no display ; it was not easy to observe his likings and dislikings ; his almost morbid sensitiveness was held down by a firm sense of duty. His first tenure of Ministerial office had been too short for instruction ; but the long blank interval between his two periods of public service delivered him from entangling personal claims without obliterating that sympathy with ' interests ' which a man derives from a year's service of the State. It is thought by philosophers that a statesman must have sympathy not only with interests, but with ideas and also with passions ; Earl Grey had these sympathies, tempered and adjusted.

So unworldly, so reserved, so dignified a man as Earl Grey would have been bewildered in trying to form a Ministry, had he not been aided by two lords more affable and more fond of arranging persons and places than himself. His two ready-made advisers were the Marquis of Lansdowne and Lord Holland. They were, with him, the survivors of the last Whig Ministry. The one historically represented a section of the Whigs led by his father Lord Shelburne ; he was a far kinder and nobler man than his

father : the other resembled in good nature, and in a critical faculty, his uncle Mr. Fox, and though preserving the happiest freedom of mind he enjoyed a sort of social prerogative inherited from his kinsman. To one, or to both, of these hospitable and gentle lords many liberal and ambitious men were known ; and they fostered genius and talent without the least exaction of homage. They had been, during the long exclusion of their party from office, enjoying with every pleasant circumstance the good society which flourished under the screen and the shade of the illiberal aristocracy. They had never been frightened by Bonaparte, or soured by Perceval ; they came to help Lord Grey with no bitterness in their hearts ; they welcomed him not as one that should avenge them on bigots, but as one that should give them the pleasure of promoting their younger friends.

Lord Lansdowne, when a Commoner, had been Chancellor of the Exchequer ; twenty-one years later he had been Secretary of State in the Home Office ; both offices were held for short periods. He was now, at the age of fifty, made President of the Council. There was but little besides ceremonial business to be done by the Privy Council ; nor had its President any power of checking irregularities when it sat, since the only disorderly person that ever attended it was King William IV. The Presidency, then not burdened with the Ministry of Education, nor with the execution of laws against the contagious diseases of animals, left a man at leisure for all sorts of questions, if the First Minister liked to consult him ; and

the Marquis was a safe and comfortable person to consult. When at the Home Office he had corresponded with Mr. William Lamb, the Secretary of the Irish Government ; judging from that experience, he induced Lord Grey to place him for the first time, at the age of fifty-one, in the Cabinet, and to charge him with the Home Office. The last tenant of this office, Sir Robert Peel, had maintained its precedence over the other two Secretaries of State ; he had done a good deal towards classifying crimes and their punishment, and he had established a police force ; his last weeks were made uneasy by many letters revealing plots, true or false, against the King's peace.¹

Mr. Lamb, now Viscount Melbourne, was less anxious than his predecessor, or at least concealed his anxiety under a show of indolence. He held the office till he was First Minister, and did as well as any one before or since ; but he let slip, perhaps unavoidably, the control of the Irish Secretary. It may be noticed, as one of the curiosities of English procedure, that he had to instruct and employ as a subordinate the Lord-Lieutenant of Hampshire, who was no other than the Duke of Wellington, and this within three years of his holding a secondary office under him ; the soldier, whom some had taunted with being a drill-sergeant in the disguise of a prime minister, made his reports as a

¹ When he became the leader of the Conservatives he published an address to his constituents, in which he stated that he had promoted reforms or improvements ; he mentioned most of these, but he omitted the institution of the police, perhaps because the new constables were jocosely named after him.

magistrate to the politician who had lately served under him and had honourably deserted his party.¹ The two patriots never sat in Council together after parting in 1828, and the readers of newspapers for at least seven years believed them to be implacable adversaries ; biography shows that they liked and helped each other. Lord Melbourne's conduct of affairs at the Home Office had some points worth special notice. He held private, but not clandestine, intercourse with Mr. Place, a shrewd, honest, and daring leader of the middle-class reformers in London ; through this channel he gave warnings to those who during the two years of struggle were from time to time in danger of becoming seditious ; this he did without allowing Mr. Place to become too important. He employed the Under Secretary who was not in Parliament to represent him in meeting the delegates of a great multitude which was bent on overawing him ; he showed himself at the window, but he would not let the procession accost him ; their petition or remonstrance was not received till they had dissolved their formidable array. He trusted overmuch to a private secretary, who was not a gentleman and who delighted in writing and talking to all sorts of people ; in particular, he committed the indiscretion of franking letters for him without asking

¹ There are two things often mentioned in history and political philosophy, feudality and bureaucracy. The English institution of unpaid territorial magistrates, controlled 'without fear or favour' by the Home Office, is something between the two ; and it seems unlike and superior to anything contrived on theory. It deserves careful study, if any foreigner wishes to profit by English experience.

what they were about, so that his signature was interpreted into an approval of language which he could not have been so rash as to utter.¹ If there was any weakness in Lord Melbourne at this stage of his life, it was in the following of the brilliant orator who had lured him for a year out of the Whig connection ; he learnt from Mr. Canning to break loose from the 'pigtail' solemnity of potentates ; he avoided the perilous character of a wit, but in his humour he was inclined to flout formality hazardously.²

Another man of hard head, abhorrent of pomp and prudery, and free from anything that could hamper him in choosing a policy, was Lord Palmerston, an old member of the House of Commons and also a Peer in the Peerage of Ireland. Like Lord Melbourne, he had served in liberal Tory Governments, and had owed to Mr. Canning his best hopes of rising above secondary office. But he had been a busy placeman for eighteen years, which Lord Melbourne had spent in idleness. At the age of twenty-five he was asked, and he declined, to be Chancellor of the Exchequer ; this offer, made by Mr. Perceval, proves that in those days clever men were scarce in the House of Commons. Lord Palmerston was sufficiently philosophical and literary for political life.

¹ Ministers and members of either House of Parliament, before Sir Rowland Hill's reform of the Post Office, used to have an unlimited power of exempting letters from postage. A Peer could not go to a market town without being beset by people asking for franks ; it was a sort of petty bribery, and it encouraged the trick of pushing into familiarity with gentlemen otherwise unapproachable.


² The word 'pigtail' was used by Lord Palmerston, in 1828, to denote the Tories of the Perceval species, from whom he had parted. In Italy there used to be 'codini.'

But he was in the main a country gentleman, a sportsman, a 'racing man;' out of this set of habits there grew in him a wholesale sympathy with warriors.¹ Refusing to follow Lord Henry Petty, in undertaking, without due knowledge, the charge of the State's revenues, he became Secretary at War. He at once disputed certain encroachments made on his office by the General who commanded the forces, and, without the help of the Cabinet, he worsted him. He had nothing to do with the disposition of the troops; nor could he propose, much less effect, any improvements in the military system. He represented the military administration in the House of Commons, but he had little share in its responsibilities. A relish for hard work, a taste for combat, a delight in trampling on busybodies, a capacity for shaping those sentences which are thrusts and blows, were now to be discovered in him. He had made one vigorous and effective speech; it was in favour of the Ministerial measure for relief of the Catholics; he was out of the Government when he thus showed his strength. Long as his apprenticeship was, and niggardly as was the dealing of the Tories with him, it was good for him to have been acquiring official habits and escaping the controversies of the time; for he now stood clear of illiberal opinions, nor could anything be quoted against him from old speeches now that he

¹ In the species 'sportsman' one expects courage, cheerfulness, and a frank, plain manner; in the variety 'racing man' one expects also powers of calculation and reticence. If one were to go by the history books, one could not perceive that these qualities were more valuable to an English politician than a tincture of Greek, and the command of a few score Latin quotations.

was to vote with the Reformers. In his youth he was surprisingly modest when he declined the Exchequer ; on joining the Whigs at the age of forty-six he showed sufficient self-esteem ; for he offered to lead the House of Commons. He readily acquiesced in the preference given to Lord Althorp, which followed as a matter of course from the fact that Althorp was already leader of the Whigs in the Lower House ; perhaps he expected the succession to the place, and it was likely to be soon vacant. Meanwhile the refusal of one thing helped him to get another. He was appointed, seemingly against Lord Holland's wish, to the Foreign Office ; for this he had in some sort prepared himself by a visit to Paris. No amount of intimacy with foreigners, no study of protocols and treaties, no proficiency in the language of European countries, could at any time constitute fitness for the control of the diplomatic service. Such things are but accessories ; the essential qualification is high spirit with tenacity of purpose. This Lord Palmerston had beyond his English predecessors and his foreign contemporaries.

It was his singular luck, that he found a great deal to do in his office, and could do it without being hindered ; because every other politician, except the First Minister, was too much absorbed in domestic affairs to interfere with him ; and Lord Grey, without throwing down the reins, gave him unusual freedom of action, and generously allowed him the honour of negotiations in which he was himself the supreme councillor. Relatively to Lord Grey he was much more powerful than Lord Aberdeen had been




under the Duke of Wellington, but less independent than Mr. Canning had been in the last years of Lord Liverpool. As a friend of Mr. Canning he was far from having a claim to the friendship of Lord Grey; nor did he become intimate with him through that elective affinity which so often brings two statesmen together at one touch. Their joint work, which was incomparably well done, was the sign and the fruit of a temporary alliance. The most remarkable thing in this alliance was Lord Grey's freedom from jealousy; he seemed proof against the corroding acids of old age, and deaf to the secret advisers who must have been warning him against his colleague's audacity.

The most eager Reformer in the Cabinet was the Earl of Durham. He was married to one of Lord Grey's daughters, and this connection was thought to account for his being raised above such men as Mr. Stanley and Lord John Russell, who were not at first in the Cabinet. But he was not entrusted with one of those laborious offices in which he would have encountered permanent functionaries. His fervid mind would have been advantageously tempered by daily labour, and his gallant self-reliance would have found a corrective in the frequent references to men of hoarded knowledge, which would have been forced on him by parliamentary questioners. He was, in the first weeks of Whig rule, employed by the Prime Minister to treat with Lord John Russell as to the formation of a Committee, smaller than the Cabinet, which was to make out a scheme of Reform for the House of Commons. The two thus yoked were free

to choose two more. They left out Mr. Brougham, who thought himself the patentee of Reform ; they preferred Sir James Graham, First Lord of the Admiralty, who had shown no interest in the subject, but had a remarkable aptitude for hard work. The fourth member of the Committee was Lord Duncannon, who had singular skill in parliamentary affairs and special knowledge of the easiest part of the business, the elective system of Ireland. About the liberation of Scotland these four men consulted Mr. Henry Cockburn, their new Solicitor-General for Scotland, and Mr. Kennedy of Dunure, a member of Parliament and an old reformer. After thus acting as a lieutenant in the first few weeks of the Cabinet's existence, Lord Durham was left without steady employment ; and he was subject to frequent temptations towards a petulant sort of gainsaying which increased the fatigue of his father-in-law. He was prematurely wise in proposing vote by ballot, which his brother Committee-men approved of, and the division of the country into equal districts for the election of representatives, which they did not agree with him in submitting to Lord Grey. He was overruled by Lord John Russell when he proposed to take into the Reform Bill Committee the Postmaster, the Duke of Richmond, who, having been a Tory, was a strange man to choose for such a council.

To increase the stock of easy temper which the Cabinet bore into the coming storms it picked up a derelict Minister, Lord Goderich, once known as 'Prosperity Robinson,' when he cheerfully kept the



accounts of the old Tories, and destined to serve under the Conservatives, or new Tories, with the title of Lord Ripon. This intelligent and serviceable man, who never concealed his innocent ambition, so bore himself in public life that he softened the contrast between the two parties. He was now set to manage the Colonies, which were at the time not very troublesome ; and he was, by tenure of his office, competent at any moment to conduct a war on the neighbouring shores of Flanders, or elsewhere, although he was of course as utterly unprepared for war as his predecessors. War was just a possible incident in the routine of the Colonial Office. It was only the Foreign Office that knew how hard it was to avert this incident.

There was in the Cabinet one 'saint,' that is to say, one of those who, besides their churchmanship and their family devotions, upheld the Christian religion as a light for the guidance of the world's rulers. Mr. Charles Grant, heretofore a Canningite, whose only fault seems to have been indulgence in sleep, was made President of the Board of Control. This colourless title, from which no one could infer any functions, was borne, in accordance with Mr. Pitt's legislation, by the Cabinet Minister who, with the help of a secretary sitting in Parliament and of sundry commissioners, inspected the papers which passed between the Directors of the East India Company and their delegates ruling in Calcutta, Madras, and Bombay. This officer had less authority than the modern Secretary of State for India. If he was timid or indolent, he hardly interfered with the 'controlled' potentates,

but he could, if he chose, upset their plans. It was desirable that the President should be, as Mr. Grant was, in sympathy with the secular liberality of some, and with the evangelical warmth of other, Indian men. In that happy generation the piety of the English and Scottish gentlemen employed in India or in the Company's London house was generally in tune with the philosophy of economists and lawyers. The Company's Service was a sort of church in its adherence to formularies and in its maintenance of brotherly fidelity. It had been purified without being made austere. The Company's lease of power was running out; and Mr. Grant was well fitted to do justice to the converging doctrines of free traders and of missionaries which were to modify the Charter, when granted afresh.

This Cabinet, although it contained men who had been, and men who were to be, the foremost in either House of Parliament, could hardly be called, like the Whig Ministry of 1806, its latest pattern, by the nickname of 'All the Talents;' for some of the ablest Whigs and Liberals were left out of it—some, like Sir Henry Parnell, because no place could be offered them that they could stoop to accept; others, like Mr. Stanley and Lord John Russell, who were content to wait a while in appointments that did not imply seats in the Cabinet; others, like Lord Ebrington and Mr. Pendarves, who probably thought they could help their party best if they continued to be mere knights of the shires, disinterested but implacable Whigs.¹


¹ It is in the books that the Marquis of Tavistock persuaded Lord

Thirteen cleverer men might have been brought together to form the inner circle of the Ministry. But the Ministry as a whole, with its younger aspirants, was not only well stocked with intellect, but so animated by its chief's character as to make the most of intellect. The sudden formation of an innovating party capable of struggling on equal terms with the adherents of close and tight systems was to politicians what the declaration of a war with Spain used to be to the navy. Eager hopes of adventure, and emulation in the search for prizes, stirred and refreshed some men of middle age who had been cramped by patronage and wearied by dilatory sophistry ; whilst younger men, who at another time would have branched off into law, trade, and literature, now pressed towards parliamentary debating and reporting. Mr. Grote came out of his Greek library, because England had suddenly become as lively as Athens. Mr. Poulett Thomson gave up a lucrative trade with Russia to become a reformer of the tariff ; in the Lower House he represented the Board of Trade, of which the more ornamental chief was Lord Auckland. The house of Baring, heretofore a support of Tory finance, sent a more liberal representative to the Treasury on the invitation of Lord Lansdowne. The first and greatest editor of the 'Blue and Buff Review,' Mr. Jeffrey, forsook Edinburgh to work in London under the Government for fourteen months at a stretch. The inimitable and seemingly infallible contributor,

Grey to give his brother, Lord John Russell, an easy subordinate place, because his health was not strong.

who was reviving the popularity of the 'Edinburgh,' Mr. Macaulay, was seized with a passion for vocal combat, and dashed at Sir Robert Peel and Mr. Croker with the fervour of a knight-errant who assails necromancers.

There were no such men as these amongst the Tories. Yet the Tories, too, were roused to efforts such as they had not made when they were holding on to the rusty chains which bound the Dissenters three years ago. He that was sent by Oxford to vindicate Protestantism, Sir Robert Inglis, displayed unexpected strength in defending the obsolete boroughs. Sir Charles Wetherell, a lawyer who had left the Duke of Wellington's service after voting against him in defence of the Church, became an irrepressible speaker, loud as the horn that screams warnings through a fog, and so free in jest and sarcasm as to convince his hearers that they need not look in a reformed House of Commons for any kind of ribaldry that had not been in vogue already. General Gascoyne, representative of Liverpool, and Sir Richard Vyvyan, knight of the shire for Cornwall, became for a short time eminent amongst the courageous gentlemen of the losing side. The courage of the Tories was, happily for the nation, abundant; and of this there was a sufficient residue after much had passed off in the foam of declamation. But those who were hottest in resisting the innovators either exhausted their stock of thought and will, or were quenched by the flood of popular faith. No permanent reputation was acquired by any Tory that came forward for the first



time in the Grey period. Lord Lyndhurst maintained, Sir Robert Peel enhanced, reputations gained before this time. The Duke of Wellington underwent eclipse.

At first the Whigs were somewhat afraid of the Tories. This timidity arose from a sense of their want of experience. It was a much more serious thing for Lord Althorp to undertake finance without any official teaching than it had been in former generations for Lord Henry Petty or for Mr. Pitt. For the art of finance had become more complicated ; there were men in Parliament who were thought to be adepts in it, and there was reason to fear that one who had learnt it only from books and committees might break down in conflict with those who had empirical skill therein. This difficulty was overcome by recurring to the fixed stars of administration.

In the Treasury the strangers found secretaries and clerks who explained the method of dealing on the one hand with secondary offices, such as the Ordnance, on the other hand with the Bank of England ; these good citizens, unknown to the readers of newspapers, and to the writers of memoirs, served the State diligently, and helped the Whigs as readily as they had helped the Tories.

The Treasury commanded the tributary streams of knowledge and opinion which set in from the Customs, the Excise, the Mint, the Post, and other departments. The chiefs of these little professions were of course the creatures of Tory patronage. No one dreamt of disturbing them ; the new spirit of

reform did not perplex them ; the continuity of financial administration was not in the least endangered by the invading party.

It was not impossible for the reforming ministers to find zealous reformers amongst the life-tenants of places which had been of late held in calm monotony. The Admiralty, which Lord Grey, having been himself at the head of it, marked out at once for reconstruction, had for one of its secretaries Mr. Barrow, a promoter of geographical enterprise ; to him was assigned by Sir James Graham, the new First Lord, who knew nothing practically of this or of any other branch of administration, the task of arranging the department on Bentham's principle of individual responsibility.¹

The Board of Trade contained a 'Joint Secretary,' famous in a limited world of economists, unknown to the readers of newspapers, Mr. Deacon Hume. He had been employed by Mr. Huskisson to consolidate the statutes about Customs. He was now delighted at being asked by Lord Auckland to furnish him with minutes on the Corn Trade, and he hastened to

¹ Correspondence and registration were doubled, but salaries were reduced by a quarter of a million in less than four years. A school of gunnery was founded. Secret expenditure of money voted by Parliament for one thing and devoted to another was stopped. Naval officers began to be employed as superintendents of dockyards 'during pleasure,' in lieu of navy commissioners appointed by patent. Each of the five Lords of the Admiralty was required to go to his own department, locally detached from the Admiralty itself, once every week, for inspection thereof. These changes imply previous inertness ; they were far from ensuring the establishment of a 'standing navy.' The service, clogged with officers, had no sure supply of seamen ; impressment was, in theory, retained.

lay before the new President 'lucubrations which had been wasted on his predecessors.' ¹

It may be said, with a fair approach to exactness, that Lord Grey, finding the duties of initiative government devolving on him in the late autumn of life, did nevertheless originate the principle on which English Cabinets have since based their tenure of power. This principle, stated concisely, is that a Cabinet is to legislate, and not merely to manage affairs. It seems likely that such a principle would not have grown out of such minds as Lord Melbourne's or Lord Palmerston's; it had certainly not grown out of Mr. Canning's. But the activity of Lord Grey's legislative Councils, his Cabinet, his Commissioners, and his House of Commons, set for his successors a standard of lawgiving. It could hardly have been expected that an old-fashioned country gentleman of reserved and austere behaviour, who had been twenty-one years in the House of Commons with only one chance given him of carrying an enactment, and had learnt the political philosophy of the moderns rather through sympathy with sons and sons-in-law than by intimacy with a Malthus, a Tooke, or a Ricardo, who came at last into the field of action at a time when Irish turmoil and the unstable equilibrium of France might

¹ Miss Martineau, who had private information about Lord Durham, but apparently not about any other of the Grey Ministers, asserts, with some minuteness, that the perplexed new Ministers imputed 'disasters innumerable and very serious' to the clerks, who 'served them faithfully or not at all.'—Vol. ii. p. 79 (first edition). Published memoirs do not prove this charge; oral statements, at least as regards the Treasury, gainsay it.

well seem enough to take up his thoughts, should found a school of legislators, and should find both the great parties to at least fifty years' rivalry in the production of statutory novelties. He had been, or had seemed to be, neither a learner nor a teacher of politics. His friendships had touched without embracing. He trusted on reasonable grounds. He formed no partnership. He indulged no dislike of pushing men, or of those whom Bonaparte used to call *idéologues*; nor did he abhor a man for being fond of that popularity which he did not himself desire. The pride which saved him from vanity did not disgust him with other people's vanity.¹

Now there was in his later days one who tried to cleave to him as an intimate friend, Mr. Brougham. This gentleman, commonly called Lord Brougham, in his retrospective memoirs, which were put together too late in life to be of much authenticity, and in a certain history written mainly in his interest, credited himself with Lord Grey's friendship, and also with rather more than half of his exploits. It must be admitted that there was an alliance of the two, which might plausibly be called a friendship, at a time when the greater man wrote to the lesser man with such familiarity as to drop from his pen a wholesome and refreshing execration.² Such tokens of regard are not bestowed on those whom one is only anxious to keep on good terms with. If friendship is taken in

¹ Lord Grey's only enactment was the Act for the Abolition of the Slave Trade.

² Lord Grey to Lord Brougham, January 1, 1832. 'Poor Czartoryski! it is really heart-breaking to see him; and now those damned Russians are trying to throw the whole Belgian affair into confusion.'

its highest sense, it is well attested that Lord Brougham was incapable of forming friendship ; for he could not be just to any one that equalled himself, or pressed on him in climbing upwards. He was a turgid flatterer of those who were not in his way ; his eulogy was apt to ferment into something less sweet. Of an honourable alliance he seemed, at the epoch of Reform, not incapable. His preference of party to self, his fidelity to a paramount statesman, might be reckoned on for some indeterminate time. A Ministry that he joined must be energetic ; and his presence was a security for the cohesion of philanthropic Liberals with critical Whigs. The Whigs hardly trusted him ; but Lord Althorp was sponsor for him, and that was enough. He wished to be leader of the Commons and Master of the Rolls ; in other words he wanted a permanent judicial office from which he might afterwards rise higher in the Court of Chancery ; but he did not like to throw up the advantage given him by his Yorkshire election, or the glory of speaking in the same assembly with the most combative orators.¹ To be Attorney-General—that is, to

¹ It was probably by accident that this equity judge was, unlike other judges, eligible for the House of Commons. If the Court and the House were fully employed no one could do his duty to both. But the House might tolerate a seat generally empty, yet occupied by a judge whenever the debate needed his presence. That a strong busy lawyer, who had not to strive as a politician for promotion, and could take a judicial view of certain questions, should give his advice and vote now and then, might be an accession of dignity and wisdom to the House of Commons, which is in *disinterested* jurisprudence weaker than the House of Lords. If there were a law university it would supply two representatives of this quality. Lord Macaulay, when his zeal as a reformer had cooled, defended the anomalous position of the Master of the Rolls, in an argument which would have been weakened had the place been held twenty years by Brougham.

be the legal adviser of the Cabinet without knowing its secrets—was below his pretensions, since he had been for eight years the foremost of the Liberal Commons, a politician rather than a lawyer, a leader of Opposition as long as the leadership was not fixed on one head, disqualified for the post which Lord Althorp held only by inadequate character, and encouraged by the fashion of three generations in believing that he was qualified for it, more than Lord Althorp, by his oratory.¹

Two days after Lord Grey had in vain offered Mr. Brougham the Attorney-Generalship, he met his Cabinet without any Lord Chancellor, and reported that he had the King's leave to offer the Great Seal, that is the Lord Chancellorship, to the gentleman who refused to be Attorney-General. The inchoate and imperfect Cabinet, of which the dominant minds were, at first, Lord Grey's, Lord Lansdowne's, and Lord Holland's, agreed with one accord to admit the uncouth and formidable orator. They thought, it would seem, that they were providing only for their safety. It did not trouble them to imagine how vehement and quarrelsome he would be as President of the House of Lords; or if this thought occurred to them it might be outbalanced by the consideration


¹ It would be contrary to the public interest if lawyers or advocates were excluded, by serving as law officers of the Crown, from afterwards becoming Secretaries of State or Prime Ministers. In this age it is their own fault if they are thus kept down; they have only to study the career of Lord Brougham and the career of Lord Althorp, to discover that they may aspire to the first places if they are plain dealers and lovers of truth, and that they cannot win the first places by mere dexterity or force in speech-making.

that he could do less mischief on the woolsack than on the Treasury bench of the Commons.¹ In point of fact, it was a much more brilliant move on the party chessboard than they intended. The new Chancellor was the only man that could be pitted against Lord Lyndhurst ; and his moral defects, which would have put them to shame if he had been set to combat for two years with Sir Robert Peel, were thrown into the shade by those of the unscrupulous and mischief-making lawyer whom he succeeded and confronted in the Upper House. In the presence of the First Minister he would not, by any hasty, wilful statement, compromise the Government or bind it to any course of action. By his keenness, his volubility, his calculated ardour, he could beat down that which was sure to annoy and embarrass Lord Grey, the clamour of opinionative Peers who understood politics, and of blustering Peers who fought recklessly for ' the right to do as they like with their own.' His ambition was for the time satisfied, because he was allowed to have interviews with the King in company with Lord Grey, and thus to appear more important than Lord Althorp. He raised the political value of the Great Seal even beyond such predecessors as Thurlow and Eldon. He coerced without wanton harshness the aristocratic assembly which he invaded. He made strenuous efforts, which no one else could make, to prevent the disintegration of the Cabinet. Yet he

¹ The odd title, the ' Woolsack,' is given to the presidential seat of the House of Lords.

did not become even a sound partizan, much less a high statesman.

By being made Lord Chancellor, Lord Brougham was loaded with work, diverted from some of the many subjects of discussion which he had tried to make his own. Having to answer letters at the rate of two hundred a day, and study the science of equity whilst despatching cases so fast that he closed his Court for lack of business twice in five months, he had not much time for drawing up statutes. But he might have been fairly expected to press a Bill for the creation of County Judges, which he laid at once on the Lords' table. By resolutely insisting on it he might have given the people simple and cheap justice in Courts that sat near their houses. Other advocates and judges have been so learned in the law that they have shrunk not unnaturally from proposals of improvement which threatened to make their learning less useful ; Lord Brougham had not this excuse for being a lukewarm law reformer. The four years of his Chancellorship were years of legislative exertions made by Parliaments, whether unreformed or reformed, so great as to seem at first sight more than sufficient. But on looking closer it seems that the House of Lords was for the greater part of some sessions quite at leisure for digesting projects of law whilst waiting till the Commons had tired themselves out in the main disputes of the two parties, and that some measures for the improvement of jurisdiction and procedure, some settlement of the doubts on which lawyers fattened and clients wore out their



38 ACTUAL ACHIEVEMENTS OF LORD BROUGHAM.

substance, some adoption of doctrines approved by the civilians of France and Scotland, some anticipation of the codes of British India, might have been proposed by the occupant of the woolsack, shaped by the Lords Lyndhurst, Plunket, and Tenterden, and accepted without much delay by Lord Althorp, by Sir Robert Peel, and by their troops of publicspirited followers.

The actual achievements of the Whig Chancellor, when separated from projects, seem to amount to no more than three. He persuaded Parliament, in spite of Lord Eldon's peevish resistance, to abolish thirteen salaries paid to useless officers of Chancery. He made the Privy Council somewhat more efficient in jurisdiction. He took one step towards an object which has eluded his ablest successors, the contrivance of a process by which the goods of an insolvent trader might be discovered, realised, and so distributed amongst his creditors as not to stick too much to the fingers of the distributors ; but all that he effected was the substitution of permanent for temporary Commissioners of Bankruptcy ; his Commissioners were without the energy or mastery that were needed for the clearing of accounts. It appears that the progress of legal wisdom, sustained as it is by growth of judicial virtue, and stimulated by the multiplying of critical agencies in the press, cannot keep up with the parallel growth of that ingenuity which directs the fall of a commercial estate and that which wraps it, when prostrate, in fungus.

In after days, when Lord Brougham was a bitter

enemy of the Whigs, a book was published to set forth his achievements in the improvement of laws and procedure. Judging of it from the unmixed eulogy bestowed on it by the 'Quarterly Review,' one would venture to say that it did not prove him to have fulfilled the hopes raised by his famous speech on the subject which he delivered in the House of Commons. But he certainly encouraged others, who were competent to work out schemes. He was as one who travels for a manufacturing firm and shows samples.

XXVI.

THE Ministry which took its name and character from Lord Grey survived its founder a few months. It flourished for three whole years; in the fourth year it showed some weakness. It was as nearly faultless as any Ministry in any country ever has been. By examining its structure and conduct the student of the political art may learn the best of all lessons. These four years are more worthy of minute observation than any other period of English history. To foreigners they supply the most fruitful knowledge; to British patriots they open a fountain of joy.

Lord Grey did not attempt to alter the method, which he found established, of governing Ireland by a deputy.¹ In those days the Lord-Lieutenant of

¹ The title 'Deputy' was applied to the person who governed Ireland

Ireland was not sufficiently under the control of the Home Office, and he was more the master of the Irish Secretary than he should have been. But the Irish Secretary of the Whigs was Mr. Stanley ; and he at once assumed more power than any of his predecessors had held.¹ He was then remarkable for promptitude, intrepidity, and plain dealing ; and he had that eloquence which is the drapery of virtue in motion. Therefore he was fit for the inevitable conflict with the spurious patriotism of malcontents. Nominally he was under Lord Anglesey. For Lord Grey had, with some weakness and in questionable taste, allowed the Lord-Lieutenancy to be restored to the person whom the Duke of Wellington had deposed. If Lord Anglesey had been recalled for being too much the friend of the Catholics, it would have been reasonable to send him back to Dublin ; but he had in fact lost his place for not being prudent enough, for not keeping at arm's length certain gentlemen who were inclined to make mischief and seemed to be disloyal not to the Tory Government in


for the English sovereign at the time when the New Testament began to be read generally in the English version. Ireland was then the only 'province' of the English kingdom ; and the English translation of the book, which gives, incidentally, the best notion of the Roman Empire, called the Roman ruler of the province Achaia by the name of 'Deputy.' It may be regretted that this title is no longer applied to a ruler of a colony or dependency.

¹ Mr. Stanley was thirty-two years old ; six years before, he had made a strong speech in the House of Commons to defend the Irish Church Establishment. His grandfather, the Earl of Derby, was a Whig and an owner of landed estate in Ireland. Mr. Stanley was a pure Whig in principle and breeding ; he was not a pliant politician in the best years of his life ; but it is a mistake to suppose that he was more Conservative than a Whig had a right to be.

particular, but to the British Government generally. It was no doubt hard to find a good Lord-Lieutenant ; for a Peer at once dignified and clever would not care, unless he were in want of a salary or of patronage for his kinsfolk, to hold an office in which there was so little power and so much useless trouble.

The presence of Lord Anglesey in Dublin seemed to encourage the Catholic politicians, in so far as he had seemed to wish to be their friend. Their disappointment was embittered when they found that the Secretary, not the Lord-Lieutenant, was to determine every question except, perhaps, the less important questions of patronage and of military dispositions. For Mr. Stanley was the most unlikely man amongst the Whigs to concede anything to the leader of the Catholics, Mr. O'Connell. In fact he dealt with him as with a barking cur, who is watched, but with a scornful eye.

Attempts at conciliation, or bargainings with the demagogue, might have been by some ingenious politicians designed and vaunted ; by some fastidious but easy-tempered politicians, tolerated and faintly excused. It seems now and then feasible, and not shameful, to buy off a loud opponent, or to absorb him in a Ministry. There are stages in a pushing man's progress at which he can be saved from error and the State from trouble by making a proselyte of him. In Mr. O'Connell's case the doubt is whether he had in December 1830 overshot the point at which the most high-minded of British statesmen could




with honour offer him a friendly hand. He was so distinguished an advocate that he could, in accordance with British, no less than with Irish, custom, be turned into a judge. Had this been done he would, it has been thought, have been content. He had lost fees by neglecting the attorneys to serve the Catholics in getting the law altered for them. It is believed that from sheer stress of poverty he was compelled to take to the profession of an agitator, and to play the game of founding idle associations to amuse his ignorant followers ; and it seems certain that in bawling for Repeal of the Union he meant no worse than to fill his own pocket, and divert his fellow-countrymen from sedition and rebellion. On the whole it may be held that it was a mistake not to make him a judge, and that the best thing would have been to make him a judge, not in Dublin, but in London.¹

But Mr. Stanley's treatment of Mr. O'Connell, even if it cost the Whigs dear, is to be praised. This cool and lofty antipathy of a gentleman towards a braggart is the very salt that seasons the aristocratic government of England. Parliament is the best place for the display of this habit of mind. What might be insolence elsewhere is tempered by the presence of strong and sensible men ; the disdain

¹ Experience satisfies the English that able advocates, even though they be garrulous and tumid, make good judges. Mr. O'Connell knew how to behave in court, and was thought by Lord Eldon to argue with proper demeanour. Out of court he was apt to be tempted by alliteration into coarse epithets ; even as early as 1830 he publicly scoffed at a new made judge as 'dirty Doherty.' In conversation with gentlemen he was 'ecclesiastically smooth,' with others 'rollicking.'

which subdues an inflated mind is made more withering when there are hundreds of intelligent eyes to watch the single combat. Mr. Stanley had, furthermore, this advantage over the favourite of the Irish Catholics, that he was beginning the reform of Irish institutions. Mr. O'Connell, like others of his following, seemed to put off the cure of his people's rudeness and hunger till he should have a Dublin Parliament, and a chance of wrangling over every bill with Orangemen as noisy as himself. The Whigs employed the whole mental force of the United Kingdom to silence the factions of that part of the kingdom which needed special discipline. In crushing the homicidal part of the Irish people they were more despotic than any Tory—even the Duke of Wellington; for the right to act despotically they drew not on Royal Prerogative but on regular parliamentary enactment. In devising measures for the enlightenment and nurture of the childish people whom they found the toys of rhetorical priests, they sometimes applied the same theories that were justified by British experience; at other times they tried in Ireland principles of equality which there was no urgent necessity for trying in England, in Wales, or in Scotland. After enduring for Ireland first a long period of exclusion from royal favour, and then, under William and Victoria, a shorter period of undeserved reviling, they made it almost impossible for their rivals to depart from their excellent procedure; and the fifty years that followed the Emancipation of the Catholics present on a general view to



foreigners who have to manage a Sicily, a Poland, a Sleswick, or an Alsace, a pattern of legislative perseverance and charity marred by few errors.¹

XXVII.

BESIDES the Tories and Mr. O'Connell, there were others who needed bold and skilful handling, if Lord Grey and his party were to conduct affairs happily. The Royal Family and the Court increased the difficulty of legislating, made the First Minister's life wearisome, and imperilled by changes of humour the stability of the Whig structure.

William IV. had as many good qualities as any of the sons of George III. ; but he had not been bred and trained for politics, and he came with only three years' notice to the place which he had expected to see filled by an elder brother. He began to transact business with Ministers at an age at which trained men are thought unfit for many posts, and at which no one dares enter upon any profession except the profession of reigning. He set himself with all his

¹ A learned German, Niebuhr, who thought England was breaking up, compared Mr. O'Connell to the Drusus, who was the champion of the Italians against the city of Rome; but Niebuhr died in 1830. M. de Montalembert, with the liberal Catholics of France, put Mr. O'Connell into the hagiology, overlooking all his behaviour except his struggle for the Catholics. Englishmen, judging by contemporary parallels, thought him vile; they saw no one, even in Canada, doing the work of a patriot with so much menace or so little firmness. But if he had died just after taking his seat for County Clare, he would have been remembered with honour by most Englishmen.

heart to learn his duties, and thought in his simplicity that he comprehended the questions which his servants pondered. He seems to have studied a classical treatise on patriotic kingship, written by a Tory of the eighteenth century, who betrayed the allies of Queen Anne and plotted against the Hanoverian dynasty.¹ But his teaching was for the most part derived from a living gentleman, Sir Herbert Taylor, who, having been employed by George III. to write for him when blind, was versed in the art of corresponding with the King's servants, and combined with tact and integrity a copiousness and gravity of language which kept Lord Grey at full stretch. The King was so well advised as not to imitate his father in straining his rights, or his brother George in setting pleasure above business; he caught for a moment their trick of petting a minister, and took Lord Brougham into favour. When his secretary was not at his elbow he was habitually indiscreet; and it was surprising that his loquacity did not prove mischievous. If he and Lord Grey got tired of each other, both suppressed their impatience long enough for the good of the nation. The schemings of those who had access to the King and his amiable wife amused rather than

¹ The text quoted from Lord Bolingbroke, in King William's letter to Earl Grey dated October 17, 1831, is interesting: 'As every new modification in a scheme of government and of national policy is of great importance, and requires more and deeper consideration than the warmth and hurry and rashness of party conduct admit, the duty of a prince seems to require that he should render by his influence the proceedings more orderly and more deliberate even when he approves the end to which they are directed.'

alarmed the few Londoners who knew of them ; and such effects as they brought about were unimportant in comparison with the doings of the ' King's friends ' in bygone generations. Neither the malignant Tory the Duke of Cumberland, nor the unwise Liberal the Duke of Sussex, was able to warp the eldest brother's mind. His vacillation was not at the time notorious. His caprice wrought no irreparable harm. He was a lucky King ; for he was first welcomed as the successor of one whom it was easy to outshine, then applauded as the generous supporter of the best measures ; and his understanding and temper lasted just long enough.

Before the change of Ministry the rival claimants of power were fain to propitiate the new King ; and it was thought that some were too reverential. Speakers in Parliament, when asked for a Regency Act, apologized for entertaining the imagination of a ' demise ' taking place during the childhood of the Heiress Presumptive ; and the zeal for saving public money cooled when the royal household and the King's pension-list were considered.

Lord Althorp was charged, as finance minister, with settling the King's income. He was heir to an estate sufficient for the indulgence of his wholesome tastes ; he was more secure and independent than the King, and he held office only to please his friends, who told him they could not do without him. As he was known to be quite free from anxiety about the retention of Court favour he could safely bend to a compromise between the principles

of frugality and the exigences of the monarchy. It was necessary to act up to professions so far as to allow the King less money than George IV. had taken ; it was also expedient to smooth the way towards Reform by letting William IV. spend more than the Whigs out of office thought he should spend. If the reduction was great, the King was likely to thwart his Ministers ; if it was small, they would disappoint their backers, would be taunted by some forward allies whom they had not accepted as colleagues, and would give pleasure to the Tory financiers who had recently protested against carrying parsimony beyond their own standard. So the heroic age of Reform was to begin with secret haggling and open debating about salaries and allowances.

In old times the sovereign lived on his inherited estate, eked out by various perquisites ; and he asked the people for more money whenever he had a pretext. Out of his household grew a system of offices, some judicial, some ministerial ; and it became necessary to draw annually on Parliament for their expenses. In later days the Household with its excrescences became so widespread and costly that its balance-sheet had to be from time to time laid before Parliament ; and whenever a settlement was made between the Crown and the Commons, the document representing the cost of the monarchy, apart from military expenses, was called the Civil List.¹ Regular

¹ The word 'civil' is sometimes used as the opposite of 'military ;' sometimes in law as the opposite of 'criminal,' sometimes as a description of a special kind of law, understood and practised in special courts.

annual payments for the service of the Crown were not described by a term corresponding to the term Civil List, but were indicated as charges on the Consolidated Fund.¹ Annual payments which varied in amount, or were casual, were asked of the Commons by Ministers, each in behalf of his own office, on calculations called Estimates. Over both these kinds of payments the Commons had annual opportunities of questioning and demurring; and the supreme office, the Treasury, had effectual control over the offices which made requisitions. Whereas the Civil List was voted once for all, 'in block,' and the sovereign was trusted to distribute the money. In the reign of George III. the Civil List was often brought back to the Commons for amendment, because the Crown was apparently insolvent; but by this time so many branches of the hereditary perquisites had been given up to the State, and through the growth of trade these sources of income had been so much deepened, that they would have been more than adequate to the wants of the royal establishment. What might otherwise have been, in the lifetime of George III., an almost absolute monarchy, was kept down to a limited monarchy not only by

¹ Nevertheless, an ordinary abstract of national expenditure sets the Civil List amongst the charges on the Consolidated Fund, and does not show, on the other side, what the Consolidated Fund, thus charged, consists of. In modern parliamentary language the variable grants are reckoned as 'Supply Services,' and there is no neat expression for the settled allowances. The obsolete phrase used in the text is used in modern books of high authority. It is possible that a student may mistake the Consolidated *Fund* for the 'Consols,' or Consolidated Three per Cent. *Bonds*, or national transferable obligations.

the manifest impossibility of keeping up an army and a navy without special supplies, but by the almost insuperable difficulty of providing for the civil service of the Crown on the footing of parliamentary settlements. But, as it was, George III. had power over the governing families which was thought dangerous to the liberties of the people ; and part of this power consisted in his right to grant pensions to persons who had performed easy duties, or to persons whose merits were not tested even by the easiest of public services.

In the twenty years which followed the final prostration of George III. the pension list was less obnoxious to the friends of liberty ; they trusted partly to the integrity of the Ministers, partly to the soft head of George IV.¹ But it was offensive to the friends of economy. The genteel classes, already tempted by the National Debt to be annuitants and not producers of wealth, were tempted still more to inactivity by seeing the more conspicuous families in all neighbourhoods, except the mineral districts, leaning towards comfortable stipends rather than profits, towards sinecures rather than wages. The improvement of the national character was in some degree checked by reliance on patronage, and the Crown attracted some part of the people to indolence and obsequious manœuvring.²

¹ In 1822 there was a debate on the influence of the Crown, in which Mr. Brougham, the assailant, was not very emphatic, and Lord Castlereagh, the defender, parried the thrust with ease.

² Moral lessons were taught in detail by writers of novels ; and Miss

With the censure which fell on enervating bounty coincided the pity felt by good citizens for the penury which was ascribed in part to taxation ; and those who saw below the surface perceived also that there were taxes which by their interference with industrial processes kept many men in a state of obscure resistance to law. Politicians who had never smiled on the Radicals of the Regency, and had been in no hurry to abridge the luxuries of the late King, became earnestly desirous of retrenchment, and obtained solid economies from the Wellington Ministry. They hoped that a new Court with a new Ministry would give the people relief. The hope was not fulfilled ; yet it was not quenched.

The King professed at first his willingness to throw all his revenues into the State's purse, and the promise was applauded. But the King of England was also Duke of Lancaster ; and William IV. kept the revenues of the Duchy, which became in the course of thirty years enough for any Duke to live on in becoming pomp.¹ He took for his wife's jointure an income much greater than so simple a lady could be expected to want in her widowhood.² He resisted with adroitness and with success the lowering of ornamental household stipends.³ He retained a pension fund which, though by comparison moderate,⁴ was still a considerable engine, if he cared so to use it, for tampering with characters.

Edgeworth published a didactic novel called *Patronage*, which was a sign of the times, and may have done some good.

¹ 31,000*l.* a year.

² 100,000*l.* a year.

³ 11,500*l.* a year.

⁴ 75,000*l.* a year.

On the other hand it was provided that the great bulk of the miscellaneous revenues of the Crown should pass into the national exchequer, and that the sum exempted from criticism should be not very much more than a provision for regal state and hospitality. All pensions heretofore gained by service, real or nominal, in diplomacy were now taken from the King and left to the Commons for inspection ; and this was held to be a blow struck at the favoured and mutually favouring gentlefolks. It became thenceforth impossible to grant to titled boys of nine years appointments under the Foreign Office. The King got credit for spontaneously declining an outfit for his wife, which would have cost, according to precedent, about fifty thousand pounds. It has been stated that this self-sacrifice was really due to Lord Grey's persuasion, and that Lord Grey was driven to this contrivance by Mr. Charles Grant's austerity. But Queen Adelaide was so modest and homely that she can hardly be believed to have pressed on the Cabinet a demand for jewels ; and it is known by tradition that her husband liked her to dispense with needless parade.

That the Court sympathized with the Cabinet in the wish to have done with prodigality was proved by curtailing the festivities of the Coronation. Had less been attempted to make that ceremony beautiful it would not have duly expressed the cheerfulness of the nation or the popularity of the Sovereign.

XXVIII.

ALTHOUGH he had an eminent forerunner in Mr. Huskisson, Lord Althorp, Chancellor of the Exchequer, was the first financier who boldly staked his character on the modern financial theory. Even his failures were creditable. He did not wait till he had a great majority at his back. Acting under a chief who did not profess to understand taxation, he had not authority enough for pressing a measure against the opinion of colleagues ; and he found, as others if not all have found, as much disagreement in the Cabinet as in Parliament. He had more courage than Mr. Huskisson, less pride than Sir Robert Peel. He made proposals which his friends had not the heart to support, and which his short-sighted adversaries, not knowing how inconsistent they were to be in ten or twelve years, scoffingly overthrew. These checks, these falls, he endured with the elastic hardihood of a sportsman. What the improving Tories with their unbroken hosts in both Chambers might have essayed but shrank from, he induced the Whigs to undertake in a House of Commons elected under the old system, in which a vote could be won only by management, and in which all that was fresh and eager was absorbed in questions more popular than theories of taxation. He grappled with abuses which his colleague Lord Goderich had, when ruling the Exchequer, left alone ; though in the year of 'prosperity,' 1825, there was nothing wanting but strength of will to carry out the doctrines of Mr. Huskisson.

In a later year, Sir Robert Peel, when he enjoyed as good an opportunity as 'prosperity Robinson,' proclaimed himself the disciple of Mr. Huskisson, and led the readers of newspapers to think that no liberator of commerce had appeared between his master and himself. This way of tracing the lineage of trade reformers has been generally pursued ; but it is seen to be erroneous by those who look behind the dazzling victories of the Whig Reformers and observe their skirmishes, their retreats, and the lodgment which they effected on the fortresses of Excise and Import Duties.

Fifteen years had passed since the ending of the war. The productive powers, and the stock or capital of the nation had increased considerably ; but the distribution of wealth was such that penury, not due to laziness, affected a large proportion of the dwellers in parts of Britain which had long been well peopled ; their industry was burdened by the annuities paid out of their savings to the representatives of those who had lent money to the State in war time. Of five hundred millions of pounds owed by the State on account of twenty years' war, not more than three hundred millions had been actually received by Mr. Pitt and his successors.¹ They had borrowed in a more improvident way than the financiers of Queen Anne ; and they could not, when the nation's credit rose in peace, take advantage of it for the nation's good, by reducing the rate of interest, as had been

¹ It has been a current belief that most of the money was advanced to foreigners by way of subsidy ; but the truth is that forty-six millions only were given or lent to allies. Portugal took more than nine millions.

done by the early Hanoverians. This improvidence had brought gain to money-lenders ; for he who lent in 1815 and transferred his claim in a later year received the difference between the two prices of his annuity ; and the mutinies of 1797 enriched those who continued for thirty years to hold annuities at 3*l.* then bought at 48*l.*¹ There were parts of London, there were towns in the southern counties, in which dwelt myriads of people who satisfied the satirical definition of a gentleman, 'a person without any visible means of gaining his livelihood ;' and these gentlefolks, though no doubt they varied in the sources of their incomes, were to so great an extent fundholders, that Bath, in particular, was called 'the City of the Three per Cents.' Although their houses were taxed on assessments not falling far short of the rents, and were therefore charged, ratably, with the maintenance of destitute and idle parishioners, they escaped, by living in rich parishes, the more exorbitant rates which fell on squires and yeomen. This immunity was easily observed, whilst other advantages given by unequal laws were detected only by reasoners.

¹ The last great loan of thirty-six millions was so arranged that it cost the State 5*l.* 12*s.* 4*d.* per cent. in perpetuity. If the State had borrowed avowedly at this rate, or even at 6 per cent., which has not been thought a high rate by other belligerents, it might have paid back the exact sum received soon after the end of the war by a new loan taken on better terms, say 4½ per cent. In 1822 the lenders of a very great loan were content to leave their money with the State at a reduced rate of interest, because the State was at peace and more sure to fulfil its promises ; thus the taxes were lightened. This was possible because the loan had been originally taken at 5 per cent. But the greater part of the State's borrowing had been done at 3 per cent., and it has never been found possible to lead the creditors into a new contract below 3 per cent.

Of the landholders who controlled Parliament many were too well informed to be misled by jealousy; but many others were yeomen of small estate and small mind, whose discontent, based upon the climate, had been heightened by fifteen years of disappointment, since the law had not secured them the old war prices for corn and wool.

It seems that landholders were jealous of fundholders generally; and it may be conjectured that this jealousy was specially kindled by the sight of fashionable towns and suburbs. The word 'unproductive' was used invidiously; and Sir James Graham, a squire of Cumberland, when climbing rapidly to promotion, wrote a pamphlet on economy, in which he marked out this apparently useless class in a pointed antithesis. There was then a chance of applause if a tax was proposed for fundholders to pay. There was a stronger chance of vehement protest against such a tax; for it would be easy and pleasant to certain partizans to call it confiscation, and to brandish once more the rusty epithets, 'revolutionary' and 'jacobinical.' When the Minister proposed such a tax, the knights of the shires encouraged him; and the Cumberland baronet was so sanguine that he did not think it necessary to stay through the debate and back his colleague. Mr. Goulburn, Lord Althorp's efficient predecessor, was not disconcerted by the seeming popularity of his rival's project.

But it is not to be supposed that Lord Althorp, Mr. Charles Grant, and Mr. Poulett Thomson were

so ignorant as to think that the polite inhabitants of comfortable houses, who evidently had no hard work to do, and no heavy rates to pay, owned all, or even half, of the State annuities. Below these flocks which seemed easy to shear, there were busy and cautious traders, who put their savings from time to time into the Funds, when others, perhaps more venturesome, were selling 'stock' to get cash for new enterprises. Such traders, providing for their families, would naturally betake themselves to the English Funds at a time when there were not, as there have been since, Foreign Funds offering higher interest, and joint stock companies promising much gain with little risk; they would be not far above the humble folks for whom the Savings Banks had been lately instituted, and they would resort to the Three per Cents. for provisional, if not permanent, investment, when their savings were too big to be put into the Savings Banks.¹ No good economist would wish to inflict a discouraging tax on those who wished to be creditors of the State, without gambling or 'speculation.' If the whole National Debt were due to such thrifty citizens the State would be the safer. A State which borrowed of very many citizens, and spent the money on durable works of general utility, would do well to go on borrowing in times of quiet industry, when the

¹ In 1852 there were 89,315 fundholders receiving not more than 5*l.* a quarter by way of dividend, when the whole number of fundholders was 268,191. In 1879 the fundholders were said to be about 230,000. Amongst the holders of Funds, or creditors of the nation, have been reckoned, not perhaps constantly, but occasionally, the Duchess of Lancaster and the Duke of Cornwall; that is, the sovereign and the heir-apparent.

rate of interest was middling ; and a public debt of this origin, and of this many-fibred growth, would be a very different thing from Mr. Pitt's fabric.¹ But the British temperament inclines towards a more adventurous and less regulated use of money. Above the envied class of urban gentlefolks there were some greater fundholders. Some of these were educating and almsgiving corporations, and trustees for schools and infirmaries which were not incorporated. These, again, it would obviously not have been desirable to strike at, although a universal income tax must have included them. But the tax which the Whigs devised was a tax, not on dividends, but on the documents by which stock, or annuities, or funded property, passed from holder to holder, so that the proprietors now aimed at were those who multiplied themselves by frequent appearance, and who were often in need, unawares perhaps, of the State's help for the enforcement of contracts.²

These sales were called 'transfers.' They were made with safety and despatch by the clerks of the Bank of England, which was paid by the State for

¹ The half independent State of Guernsey has raised loans, relatively large, in small sums, from its own citizens, applied to its own docks and similar works, instead of applying for money to insurance companies or the like.

² The enforcement of contracts, which is the daily, plain, and useful work of Government, is, like atmospheric pressure, constantly in operation and seldom observed. The stamps, or stamped papers, which are used in business, represent so many payments made by citizens to the State for the insurance of contracts. Those who never have occasion to buy such things are less sensible of the security given them by Government ; and inheritors of property are apt to underrate the claims which the State has on their gratitude.

the trouble. They were made very often by executors of wills when they had to distribute amongst legatees those accessible and stable parts of estates which had been invested in the Funds for the purpose of easy posthumous distribution ; the double pain of surviving a friend, and of paying to the State a percentage on his legacy, was assuaged by the thought that the legacy was obtained without the help of an attorney. To clip the bequest by charging for a stamp to be set on the transfer paper in proportion to the value would have seemed to legatees a deplorable set-off against the simplicity of the transaction. And legatees paying for inevitable transfers would bitterly envy the undying ' persons ' called corporations.¹

The transfer tax would have brought but little into the Exchequer if it had touched only the springs hitherto noticed. It would have brought a good deal if it had been levied on the jobbers, who dealt with stock as gamesters ; on the merchants, who were frequently taking considerable sums in ' Consols,' to hold for a few months in the intervals of adventure ; on the bankers, who, as soon as their customers sent them money, hurried with it to the Bank of England and caught the dividend on the wing.

It was, in fact, an impost on some of the most frequent and necessary operations of ' City men.' When it was proposed in Parliament the Governor of the Bank was too cautious to utter more than a sigh of acquiescence ; but Mr. Thomson, a vigorous mer-

¹ The payment to the Bank of England for transfers in some years reached nearly 300,000*l*.

chant, quarrelled over it with his vigorous brother the Vice-President of the Board of Trade, and Lord Althorp, if he had paid a visit to the Exchange, would have risked, if not his head, at least his hat.¹

The best argument against this transfer tax was that it would impede business, that it would discourage the negotiation of that which had got to be the most fluent and divisible of circulating claims, analogous in these characteristics to the first engine of trade, coined money. The argument by which the scheme was upset was, that it was a breach of faith ; because, said the Tories, the State had promised its creditors not to tax their claims. To this argument it was easy to reply, that the State was giving its creditors extraordinary facilities, through its paid agent the Bank, for effecting sales of stock, and had a right to charge for this secured convenience, just as it had a right to tax corn with seigniorage. To this reply it might have been rejoined, that this very convenience had become an ingredient of the wealth or purchasing power contained in the ownership of funded property ; that the Three per Cents. were, in the eyes of intelligent people, desirable, amongst many reasons, for their being always in demand, like gold, and always vendible in small or great quantities ; and that to impair this convenience tended to

¹ The biographer of the Vice-President of the Board of Trade, however, says that he repudiated the project. In his speech of March 26, 1830, he did not suggest anything of the kind, when praising Mr. Huskisson's suggestion of a general income tax, and noticing with respect Mr. Humphrey's proposal of a legacy duty on real property. In ability and knowledge he was superior to Lord Althorp, and it is to be regretted that he was not empowered to frame the Cabinet scheme of taxation.

the depreciation of the Funds, and to the abatement of the State's borrowing power.¹

The Tory argument was set forth with unusual vigour and impetuosity. It overawed the more spirited Whigs, because they had not studied finance; and the Whigs who professed financial knowledge, lacked either spirit or authority; so that Lord Althorp was left in the lurch. Yet his plea was good against the Tories; for he contended that his tax was much less of an infringement on the legal rights of fundholders than the Tory income tax, from which fundholders had not been exempted.²

Lord Althorp would have, all along, preferred an income tax, and if he could have put off fiscal improvements till parliamentary reform was accomplished, he might have carried an income tax against his colleagues, so great was the legislative force of the popular Minister in 1833. But in the unreformed House of Commons and in the unconquered House of Lords there was not enough authority for so great an act. And the lesser attempt to raise a small supply by a new tax levied on a class, was hardly becoming to an assembly which inadequately represented that class. Nor was it worth while to set on edge the teeth of those who had to bite at the dry,


¹ If the State ceased to employ the Bank for the management of the debt at a fixed remuneration, the National Debt annuities would have been not more easy to assign or transfer than other annuities, and the holders would have had to employ bankers, and perhaps lawyers, to effect sales for them. It does not appear that the State ever promised the lenders of money to use the Bank of England as its agent.

² After the defeat Lord Brougham said, in private, that he, with Lord Lansdowne, had objected to the proposal in Cabinet.

close system of representation, when the immediate purpose of the financier was only a partial experiment.

The tax, which Lord Althorp proposed and was forced to drop, had been wanted by him to fill a hole in the revenue, which he was to have made by the abrogation of some other taxes. He had wished to lower the impost on tobacco.

Tobacco was not in England, as in other European countries, monopolised by the State, but it was taxed much more than other imported things, in order that a great revenue might be raised from one of the few things that are consumed by very many people, poor and rich, without being actually necessary. The duty was thought to multiply the price ten or twelve times. Therefore it tempted the importing tradesmen to mix false with true tobacco leaves, and cheat the buyers. Adulteration of medicines and food is in civilized lands checked by penalties, not left to private action. An adulterated luxury is not an object of the State's resentment; and if it is expedient to tax a luxury highly to raise money for the State, it is not worth while to lower the tax merely that the vendor may be less tempted to cheat; the protection of the buyer is better left to the competition of retailers. If the State gets pence from a citizen who is staving off hunger or fretfulness by inhaling a narcotic, it does not concern the State whether this citizen is or is not getting at a shop exactly what he thinks he gets, provided he be not poisoned and disabled by the shopkeeper's inaccuracy.



Besides adulteration, the heavy tax on tobacco made people wish to avoid the Custom House, and to bring the herb into the country either with other goods, through some harbour, or by dropping it on a beach between harbours. Tobacco by itself was, though very important, scarcely sufficient to keep up a profession of smugglers. These enterprising adventurers, called honourably free-traders, dealt not only in tobacco, but in silk fabrics, on which Mr. Huskisson, when he abolished the prohibitory duties, had still left high duties, and in other commodities of less elegance. No reduction of duty could have been proposed that would supersede the illicit trade in tobacco; but it seems odd that the lower duty charged on it in Irish ports should not have been made equal with that charged in Britain, and that a contraband trade in it should have existed between Cork and Bristol, between Dublin and Liverpool, up to the year 1841.¹

It seems to have been needless for Lord Althorp to abandon altogether his reduction of tobacco duties. He might have tried, on his own principles, to raise a greater revenue by a moderate diminution of the tax, such as would tempt the people to buy more tobacco. To propose a change, to keep the trade in

¹ The defenders of law and order winked at the breaking of the law, in so far as they let their wives and daughters wear, even at Court, foreign apparel which had not passed honestly into the shops. The boxes of ambassadors carried to their families untaxed luxuries from continental cities, when they were politely supposed to be loaded with State papers. If a Dorsetshire agriculturist found a keg of French brandy in his stable, he took it silently as payment for the use of his horses impressed at night, without asking his leave, for a smuggler's vehicle.

suspense, and then to retract, is vexatious to merchants.

Besides tobacco, the Whig financier set his thoughts on glass. By this time it had begun to strike the minds of some Englishmen that their rainy land, which needed more than most lands the free admission of light to chambers screened from moist air, was also endowed with an ample supply of the crude materials for making the transparent screen. There was in the island plenty of siliceous sand ; this had never been taxed. Of lead, which was wanted for the making of flint-glass, there was a supply in many British counties, and even in Ireland ; this, too, was tax-free. There was, in three counties, plenty of salt ; this had been for some time heavily, then lightly, taxed ; the duty was taken off in the year 1825. As long as any duty was levied on salt, it was doubled to the buyer, not by the owner of a mine or a brine spring, but by the seller of the purified substance, who argued in mystic terms that his extra charge was a fair ' equivalent for the greater capital embarked, and the increased risk attending the business.' The salt of commerce was wanted, not only for the pickle-tub and the table, but for the making of an alkali required in the manufacture of glass.¹ As salt, for the benefit of an ' interest ' rather than for the public revenue, had been made too dear for humble glass-makers, the necessary alkali had been extracted from seaweeds dried in kilns and then named *kelp* ; and kelp had for a time enriched the

¹ And of soap, which is to be considered hereafter.

chieftains who owned the shores of the Hebrides; this 'interest,' whose gross income, drawn from the sea beach, never reached half a million, had not been able to hold out against theory, when wheat and oats kept their places as national idols.¹ For five years then the making of glass had been less hindered; but the shops of country towns exhibited their wares, and the bedrooms of small gentlefolks looked at their gardens, through panes of uneven surface, marked like bottles, with uncouth knobs, and fashioned timidly and clumsily in garrets which baffled the excisemen. If an artizan essayed an improvement in bottle-glass he was suspected of trying to evade the duty on flint-glass; and the invention by which astronomy and physiology were to deepen up and down the power of reason was driven into hiding by honest revenue officers, as the religious discoveries of Loyola had been thrust into closets by the sheriffs of Queen Elizabeth.²

That the use of good glass was checked by taxing was proved by the fact that it was less in use in 1813 than it had been twenty years before; the tripling of the tax had counteracted the increase of population and of luxury. To abate the charge, to encourage the artizans, to lessen the odious and costly duties of the excisemen, to facilitate the employment of British silica, soda, and lead in making

¹ The struggle had been attempted against *barilla*, a foreign substance derived, like kelp, from marine vegetables. A distinguished writer has spoken of the kelp fisheries as if it was a product of the animal kingdom.

² Until the year 1845 optical instrument glass could hardly be made in England because of the excise regulations.

for export wares which, according to nature, could nowhere else be made so cheaply, was a work that a patriot might be expected to spring upon. It would increase the stock of wealth which enlarged not merely pleasure, not merely knowledge, but life. In a very few years it would expand the surface of tax-bearing income, and therefore nourish the State's revenue. But the experiment would for a time lessen the receipts of the Excise. Unless some other source of revenue were opened, this experiment was too hazardous for a new Treasury that was pitilessly curbed by authoritative censors; nor were the zealots of theory as yet so much interested in the physical illumination of households as to give the Treasury in newspapers or in public meetings any such help as might outweigh the inertness of 'practical' traders. This beautiful reform was put off, and the country had to endure undulating windows, mean flagons, and countless avoidable privations for fourteen years more. Lord Althorp lived just long enough to see the manufacture which he was not allowed to liberate released by Sir Robert Peel.¹

Although denied the lever with which he had meant to lift excessive burdens off tobacco and glass, the Chancellor of the Exchequer held fast to other

¹ Mr. Poulett Thomson, whose comprehensive speech on taxation, spoken March 26, 1830, forestalled and suggested almost everything in the Althorp scheme and much more besides, advised the Tory Minister, Mr. Goulburn, to take from the House of Commons a vote of credit, such as would enable him to pay his way until the reduced taxes, by encouraging consumption, restored the State's income. If other men had shared his robust faith, this might have been done; but he was pouring new wine into old skins.

proposals, and in one case suffered a defeat which was to himself mortifying, and to his more enlightened opponents discreditable. In refusing to modify the import duties on timber, those Tories who had outlived the stupefying ascendancy of Mr. Vansittart, and had with open minds listened for some seven years to sound reasoners, made an unworthy submission to the perverse and unteachable members of their own party.

The British Islands produced so little timber in proportion to the wants of their towns, that there had sprung up before the long French war a great purchase of pinewood on the shores of the Baltic, and the progress of manufactures had caused an incessant demand for beams and planks. There was not wood in Britain, although the larch had come to help the oak, to roof and floor houses with, fast enough or well enough. The maritime borders of countries which belonged, or had once belonged, to the Swedish Crown, were rich in the very thing that Britain wanted, could stow it in native ships, and bring it quickly over the shallow and misty, but narrow and familiar seas. The Baltic nations, if they could sell their deals, were ready to buy coal, salt, slate, cutlery, and earthenware. This natural interchange was stopped by the Tory Ministry which came before Lord Liverpool's Ministry. There was a brief quarrel with the Czar of Russia, and also with the people and King of Denmark. The Danes with their rowboats carrying long guns in safe waters could vex trade. Here, then, was one of those blocks which divert

trade, and force men to look away from old to new sources of supply. It was therefore not unreasonable to resort to the maritime regions of North America subject to the British Monarchy. There were forests near the St. Lawrence, and others near the inland waters of what was once called Acadia, which offered abundance of pine wood, greatly inferior to the Baltic pine wood, but not without value. The 'lumberers' of New Brunswick had a natural market for their logs in the cleared tillage lands and rising manufactures of New England. This market was closed by Mr. Madison, the President of the United States, and the Marquis Wellesley, Foreign Secretary at St. James's, who quarrelled irrationally. During the three years' war with America it was natural that the subjects of King George III. should sell their timber in England.¹

Thus there might well have been, without the intervention of Mr. Vansittart, a fair opening for the Colonies to try whether they could undersell the foresters of Northern Europe. But Mr. Vansittart could not let things alone. He was for fixing that which was transient; he tried to perpetuate and to convert into a sort of institution, with a 'vested interest,' that make-shift business which should have ceased with war. Either from a wish to spite the Scandinavians, the Finns, and the Livonians, or from a wish to reward the Canadians for serving the King

¹ The red pine, which was the best timber that came from colonial ports to compete with Baltic deal, was grown in the United States, and passed through a colony to give it the advantage of the differential duty, which was tantamount to a subsidy or 'bounty.'

against President Madison, he increased the duties on European timber in 1809, doubled them in 1810, and added 25 per cent. in 1813, when the Northern Seas were freed from the French Emperor. The tax-gatherer made a Norwegian or a Baltic 'load' forty-five shillings dearer than a load that came from Quebec or St. John's, whilst nature made it four or even six times more slow and dangerous to bring a load across the Atlantic than across the German Ocean. It was stated to the Lords, through a committee, in 1821, that this policy had reduced the British trade with Memel, the great Baltic timber port, to one-fifth of what it was before 'the Great War.' But the shipowners of England liked the change, because when their ships were too old and leaky to be trusted with dry cargoes they could employ them in fetching home American timber; nor did it strike even the reformers of that age that it was impolitic to encourage a traffic which exposed seamen in the worst craft to the wildest of seas.¹

The motive avowed for excluding Baltic wood was a wish to supply the British builder with cheap timber; but it was only for a short time that the Canadian pine and oak were admitted, as all things actually necessary for manufactures should be, if possible, nearly free of duty. Timber bought for building churches was untaxed. Something was said in favour of taking the duty off timber used in mines, but the country gentlemen who legislated

¹ A load of timber does not mean a ship-load; when applied to hewn timber it means fifty cubic feet.

were content to buy for their barns and sheds American planks, which were so dear even in America that the lumberers could afford to pay ten pounds a ton for hay; the artificially fostered demand for American timber diverted labour from the improvement of farms in Canada, and made it more expensive to improve farms in Britain. The preference given to the colonial forests was justified on the ground that wood cutting was a good employment for the poor emigrants sent out to Canada—it was a sort of almsgiving, or ‘outdoor relief of paupers,’ but some economists thought that the emigrants might as well be employed in burning what they felled; it was cheaper, they said, to use the ashes to fertilize the soil, and spare the seamen the trouble of carrying the wood.

Mr. Courtenay, who had held under the Duke of Wellington the post which Mr. Poulett Thomson held under Earl Grey, was so much above party influence as to vote with Lord Althorp for the gradual lowering of the timber duty, and it has been conjectured that Sir Robert Peel in the later years of his life must have been sorry for the vote which he gave on the other side.¹

Lord Althorp proposed to add a little to the revenue by making the duties on wine somewhat

¹ He seems to have been content to argue that it was wrong to disregard the conclusions of the committee which, ten years earlier, had reported in favour of Canadian timber. This is a fair sample of parliamentary sophistry—an article for which there is, in party strife, a constant demand. If Sir Robert Peel had always argued thus, either Parliament or commerce would have perished.

more equitable, and he obtained, after debate, a notable improvement, leaving much to successors and to slow changes of opinion.

In order to punish Louis XIV. for interfering with the Protestant Settlement, the British Government had, in the year 1703, bound itself by treaty to admit the wines of Portugal 'for ever' at a charge less by at least one-third than the charge on French wines.¹ Whenever the wine duties were raised for revenue, as in 1804, when they reached the highest figure, the ratio of Portugal and France was observed. The vintage dear to the Plantagenets was abhorred by the Hanoverians. Antipathy to the French people was, to the disgust of Mr. David Hume, the philosopher, heated by the alcohol mixed with the red liquor of the Douro. A Jacobite, who pushed his bumper of port 'over the water' of his finger-glass when he had to drink the King's health in the presence of Hanoverians, would perhaps drink claret esoterically with his own people ; at all events claret seems to have lingered in Scotland and Ireland when almost banished from South Britain.² Mr. Pitt, when he made a treaty of commerce with Louis XVI., did not attempt to throw off the yoke of the 'two millions of priests and beggars' whom Mr. Methuen had secured as customers for Queen Anne's subjects. Mr. Robinson, when he halved the wine duties, showed

¹ In statements about wines, such as are found in the commercial and parliamentary books, no mention is made of the Sicilian or the German vintage.

² The king 'over the water' was a proscribed Catholic Stuart.

unbroken reverence for the vested interest of the British colonies in Oporto and Funchal.¹

The Whig Chancellor of the Exchequer, when he asked leave to admit French wines at the same rate as Portuguese wines, was met, not by the plea that faith must be kept with the ancient ally, but with the impudent sophism that he was favouring the rich and taxing the poor man's medicine; the poor man's stomach was, however, sacrificed.

Twenty years afterwards it was computed that the Dutch, man for man, drank sixty times as much French wine as the Britons; and that Denmark, with the population of London, drank as much French wine as the whole United Kingdom. Lord Althorp had not given the French vineyards a fair chance by taxing the liquors in proportion to their strength. He had not even put Ireland on a level with Britain in paying duty on wines. But he had uprooted an old stump of spite and partiality with such ease that the happy French alliance thenceforth seemed possible; and, by increasing the revenue drawn from a luxury, he had got means for cheapening things necessary for the comfort of humble families.²

The natural strength of Britain lay in minerals, and of all minerals coal was the most important. Coal had been fortunately neglected by the inhabitants of the island up to the age of applied science,

¹ 'Two millions of priests and beggars:' words used in conversation by the American Whig, Mr. Clay, when arguing with an Englishman in favour of the 'sixteen millions' of Americans, for Mr. Clay favoured English trade.

² Cheap candles and cheap cottonades (printed calicoes) were made cheaper by remission of duties.

which began in the second half of the seventeenth century.¹ A store of force which could not be replenished, a hoard accumulated in times when Britain was not known to man or shaped into its present dimensions, was kept from waste and bungling by the ignorance which precluded the search. When at last demanded for the smelting of ores, and for the generation of steam, the combustible mineral drew men of genius to vie with one another in making arrangements for its extraction and transport. But the men of low cunning, the practical men of commerce, and the empirics of finance, did their worst to thwart the engineers. For three-quarters of a century, down to the age of Reform, the British consumers of coal were taxed to the advantage of foreign consumers; and the manufacturers of the greatest manufacturing place, London, were taxed for the benefit of their fellow-subjects resident in other parts of the kingdom.

The owners, or the lessees, of the Tyne coal pits agreed in the year 1771 to 'limit the vend,' that is, the sale, not generally, but in the London trade. Every member of the society was allowed to sell to Londoners a fraction of the whole vend proportional to the amount of his rent, buildings, engines, and shafts. It was worth a man's while, for the sake of a greater share in the London trade, to pay rent for pits that were not in use, and to build cottages for imaginary workmen. He sold 'round coal,' or big

¹ Edward I., whom historians esteem the strongest and wisest of kings, forbade the burning of coal as a nuisance; his proclamation was not obeyed.

lumps ; every big lump was broken into small lumps by the middleman, that it might take more room, because the retailers sold it by measure. The first buyer increased his commodity in the ratio of nine to seven and a half ; each succeeding holder broke it into smaller bits ; the Mayor and Corporation of London, by ancient privilege, enjoyed the honour of measuring the bags in dock, and kept back threepence out of the eightpence paid to the 'meters' or measurers of every 'chaldron.' To sell by weight was as much against the grain of the English mind as the use of a wheelbarrow is abhorred by a Spaniard. In June 1814, coal which cost on the Tyne fourteen shillings cost on the Thames forty-four shillings, of which seven shillings and sixpence were tax. Whilst the charges were increasing under the handling of dealers, the original extractor was burning the smaller fragments and paying for the damage done by the smoke to adjacent farms ; but he did not burn all that the London merchant rejected. What was called 'nut coal,' too small to suit the Londoners, but big enough to feed the furnaces of manufacturers and metallurgists, was sold at a very low price to foreigners, who were thus placed at an advantage over Englishmen ; and on this export no duty was charged by the vigilant Custom House which busied itself in discriminating between the duties charged on Wales and Ireland, regions favoured at the expense of London. When canals began to bring coal to London from a midland county, a differential duty was levied in favour of the canals,

although the Legislature was generally nervous about anything that threatened navigation on salt water.¹

Of these absurdities the Whig Budget left not a little. But it abolished the tax paid to the Exchequer in all parts of the kingdom on coal carried by sea, allowing the London Corporation to levy a tax on all coal brought within the range of its privilege either by sea or by land; and it charged all that was sent out of the kingdom four shillings a ton. Great waste continued, for the limitation of the vend subsisted fourteen years longer; but sale by weight began at once, and it may be charitably hoped that the London householders got the benefit of the whole-sale reduction, which was, in 1845, a fall from fourteen to eight shillings on the Tyne, from forty-four to seventeen shillings and sixpence on the Thames.

The export duty was no doubt recommended to the legislators not merely because it supplied ways and means in a simple way, but on the ground that it kept at home part of the forces requisite for the production of commodities. In this second view it would be ranked with such measures as were in vogue for hindering the exportation of machines, and even the emigration of artizans. On purely fiscal grounds it was a convenient tax. But the growth of colonies, and the use of steam in navigation, involved by degrees a plain necessity for unshackling the export of fuel, and it would have been hard to discriminate

¹ The low price of 'nut coal' is stated as three shillings a ton—that is, one shilling less than the London tax levied after the year 1824; but it is not stated that the whole cost to foreigners was invariable.

between cargoes of coal shipped to foreign ports for the use of British subjects and cargoes destined ultimately for the consumption of strangers. As a temporary measure it seems to have been satisfactory, and its renewal is not impossible.

The last detail of the Budget that need be mentioned was the import duty set on raw cotton. This material had never been the plaything of fussy Ministers. No one had taxed one bale of cotton more than another because of its coming from one country and not from another. It had paid 6 per cent. on its declared value. It was now taxed by weight, without regard to variation of quality. The tax was brought down in debate from a penny to five-eighths of a penny on the pound weight. As no trouble was taken by the Custom House officers to do more than weigh and count the bales, a supply of about half a million sterling was for some little time raised every year with little expense in collection and little delay of business. When Manchester, the first of cotton-spinning towns, became more powerful by being represented in the Commons, there was little grumbling against the impost, and the money got by it helped to ease greater or more perceptible grievances. But it was against theory; Lord Althorp himself owned that it was an heretical tax; it stood long enough to swell the triumph of his abler successor in fiscal progress.

His first Budget, maimed as it was, might be on the whole considered praiseworthy. In a time of doubt and trouble he attempted to carry out the doctrines


of economy, or correct trade policy, with more earnestness than the liberal Tories had shown under the auspices of Mr. Huskisson in a year of cheerfulness and of easy government. He ascertained and proved that it was not feasible to compete with the Wellington financiers in curtailing expenses. He embodied in his plan as much reform as was at the time called for by any set of reformers.

XXIX.

THE discussion of taxes took up many hours of the one session enjoyed by King William's first House of Commons ; but such interest as the nation took in it at first languished before it was completed. In vain did the ill-wishers rejoice at the discomfiture, which they overstated, of the innovating finance minister. If he fell back from a bold advance, and looked as if he were retreating to the old lines, the retrograde movement was covered by the advance of Lord John Russell, who, within the fourth week after the commencement of public business, brought forward his first Bill for the Reform of the People's Representation.

From the first of March, 1831, to the seventh of June, 1832, this measure so engaged men's minds that they ceased to think about taxes, except when they were provoked into a threat that they would pay no tax at all. And not only was financial policy disregarded, but the hazardous action of the French in the Netherlands, and the consequent liability of

England to the charge of a European war, escaped the attention of almost all that were outside the Foreign Office. Narratives of this period, which are based on the records of Parliament, create in the minds of readers an impression of dramatic unity. A period of about one year and a half, dated from the accession of Earl Grey, is treated as one dramatic time, with one place, the Parliament House, and one action, the deliverance of the nation. The spring and the autumn of 1831, the spring of 1832, give three distinct points of heightened passion. There are the balanced powers, the arrested certainties, the blazing and smoking fears, of parties behaving like persons. The work cannot be accomplished unless the weakness of one man, the King, is converted into the strength of another man, the First Minister ; and the phantom of departed monarchy seems to give at last the signal for reconciling youthful ambition with senile melancholy. No wonder if the books so dwell on the contending of Reformers as to give them all that they have to give of thought and rhetoric. Yet it would be altogether wrong to let Englishmen think that their own affairs were in 1831-2 the only affairs worth considering in Europe. For whilst the English nation was restoring its rights, the Poles were tragically striving to be a State and not a people merely, and the Catholic Netherlanders were effecting their separation from the Dutch through a complex action of politicians in which Poland unconsciously took part. Meanwhile, there were throes of passion and a ferment of novelty in France which were against



all true politics, and there was a wild literature, not in France only, which taught young people to look on legislation as superficial and insincere formulating. And the cheerful Liberals, who thought they were enjoying the harvest of reason, could not perceive that in their bustling cities there were Italian exiles groaning and panting half-way between the restoration and the overthrow of Austrian tyranny, and that the age of reform was also an age of martyrdom.

Of all political movements there can hardly be found one so correctly measured in time, in emphasis, in scope; one so marked by prevalence of sanity, one so free from hesitation and inconstancy, one that required so little sacrifice, one that bred so little revenge or disappointment, as the Reform of the British Representation. To bring it about there had been much calm reflection without exasperating delay. To give the efficient impulse there was just enough excitement, flowing mainly from emulous admiration of the French Liberals, partly from the welcoming of a new and more innocent King. To harden the resolve of the Reformers there was just enough litigiousness and cant on the part of the privileged families. To prove the expediency of giving the unprivileged classes a fair share of voting power, there was just enough riot and alarm.

It was said at the time, and it may be said on looking back, that the Reform itself was less valuable than the spirit of the Reformers. The few persons on whom, after the fall of the Duke of Wellington, ministerial power devolved automatically, might

have offered a colourable and patchwork measure, might have proposed something just to save appearances, something that was likely to stave off inconvenient claims, and to give them peaceable enjoyment of patronage, so that they might bear rule like their forefathers, and keep the landholding aristocracy on its established footing. These few persons surprised some of their best friends by going out to meet half way that host which was called the democracy ; such at least was the view then taken of their movement. Whether it be more correct to say that they enlarged the existing aristocracy, or increased the privileged class, may be questioned. In any case they showed, as it was seen at the time by Sir James Mackintosh, a generous confidence in the people which was likely to be reciprocated. They showed this feeling in their conduct, they did not dwell upon the manifestation in words. The authors of the Bill had not consulted the leading citizens of great towns, nor the writers of pamphlets, nor the editors of newspapers. Trusting to their own information and their own understanding they schemed a measure which occupied, if it did not cover, the field of political theory. Such compromise as was inevitable in free legislation was forestalled in their small committee and their many-minded harmonious Cabinet. Such as it issued from their secret deliberations the plan was offered and urgently recommended to a body of legislators which was treated with respect in being asked to purge itself, nor were the spurious representatives of the people who formed a moiety of the House threatened or insulted by the censors who

invited them to retire from their station. Mr. Stanley said to them without ceremony that they were habitually idle, that they left the solid business of the nation to be transacted by the county members, that they came down to the House only to vote with their party when Ministers thought a special effort must be made; nor was this round impeachment traversed. It was mainly on this ground that a change was required. To resist the proposal the idlers had to exert themselves. In defending their seats they became diligent. When their seats were cut away from under them they were free to try for the seats that were substituted; and it was never alleged that they were the victims of proscription. Since many of them were Whigs, and some of them reforming Whigs, no one was tempted to stigmatize their class. They were a conspicuous part of the nation, and trust was reposed in the whole nation.

The British people was singularly patient in submitting to anomalies. There was a prevalent belief that durable improvements were brought about by compromises which spared anomalies. To get an anomaly out of the way it was almost necessary to prove that it was also a grievance; this had been recently done with the disabilities of Nonconformists. It was for Lord John Russell to show that considerable masses of British subjects were aggrieved. He did not set himself to prove that taxes were unjustly assessed, that wars were waged against the conscience of the taxpayers, that the common law was perversely kept up in irritating perplexity, that the existing bodies of voters refused to mend notorious defects in

administration. The grievance on which he dwelt was that towns which had grown into great wealth and repute since the seventeenth century's adjustments had no representatives in Parliament. He had been impressed by Mr. Canning's arguing against Reform that the people were satisfied with the actual working of the system although full of anomaly and absurdity ; but he asserted that this argument had ceased to be tenable, since 'the whole people were calling loudly for Reform.' He specified three grievances alleged by the people—the nomination of members by individuals, the election of members by close corporations, and the costliness of elections. It is remarkable that he did not in 1831 revive the topics on which he had dwelt in his earlier speeches on Reform, delivered in 1819 and 1822. In those speeches he had not been satisfied with showing that the House was stuffed with placemen and nominees, but had gone on to show that these false representatives habitually outvoted the knights of the shires and the burgesses of important towns ; that their votes generally enabled Ministers to keep up useless offices or oppressive taxes against sound reasoning ; that the Government wasted a session in manœuvring for the support of those who had votes to dispose of, and, when Parliament was not sitting, had to alter its policy in deference to the outcry of the people. These early views have much pure light in them ; but the spirit of government had changed since Lord John Russell's youth, and it was hardly worth while to bring out against the later Tories the

weapons which he had sharpened against the close confederacy over which Lord Liverpool presided.

Although the improving tendencies of Sir Robert Peel and his late colleagues made it harder to allege that the country was in danger of being feebly or selfishly ruled, it was easy, by referring to their recent legislation, to justify not only a general infringement of system, but a particular measure of disfranchisement. Sir Robert Peel had disfranchised a great body of voters, the poorer freeholders of Ireland. From this recent act it was fair to argue that he and his friends could not dispute the lawfulness of taking away votes from dwellers in decayed towns. It was impossible to convince ordinary citizens that the right of voting for election of a burgess might not be extinguished on general grounds of policy, after the analogous right of voting for knights of shires had been taken from a multitude of peasants, not because of any seditious acts, but merely because they could not be trusted to elect proper representatives.

The proposal to disable the little boroughs of England was strengthened by a more exactly fitting precedent. When the Irish Parliament was merged in the Parliament of the United Kingdom, Mr. Pitt and his followers abolished, without scruple and without difficulty, two hundred Irish boroughs, amongst which there were very many whose burgesses were nominated by patrons ; and what Tory could venture to blame Mr. Pitt ?

Supposing the disfranchisement of small boroughs

to be lawful, the next question was, whether certain precedents must be followed which pointed to the neighbourhoods of these boroughs as the rightful recipients of the transferable power. At different times, within the Hanoverian age, Parliament had substituted for a small town a district including the town ; such a district would be called in one place a 'hundred,' in another a 'rape ;' but these old names were latent, and the districts continued to be called after their towns.¹ These remedial measures, adopted by legislators when sitting at their ease to consider flagrant cases of bribery, pointed logically to a general scheme for dividing the country into regions corresponding with 'departments,' or with the smaller counties of Britain ; and there were times in the earlier part of George III.'s reign when such a scheme might perhaps have been discussed calmly. If Lord Chatham had been as sensible as he was brilliant, as persevering as he was audacious, he might have established a representation of England at least, if not of Scotland, on this plain footing. Had his son applied his mind and authority to such a plan when at leisure in 1785-8 he might have mapped out the island as other countries of Europe,

¹ The Cricklade Hundreds, substituted for Cricklade town, were taken out of their county, Wilts, and constituted an electoral district in 1782 ; all forty-shilling freeholders became voters therein ; so that it became a little county. Similarly a part of Sussex called the Rape of Bramber was, in 1771, turned into a voting district with a county franchise, continuing to be called the Borough of New Shoreham, after the corrupt town included in it. By following these cases the Legislature might have subdivided counties and established a simple franchise, leaving the great towns to rank as counties, as some of them, such as York and Bristol, did nominally.

America, and Australia, have been mapped out. But when this was proposed in 1821 by Mr. Lambton, the notion was thought wild or chimerical, partly because Mr. Lambton was not in office, partly because electoral districts resembled departments, and departments had been in France substituted for provinces by persons of dangerous arithmetical zeal, who slid soon afterwards into a Republic. Yet Mr. Lambton did not seriously disturb the repose of the British gentry ; only a hundred members came down to vote on his motion ; a majority of twelve was all that the defenders of the Monarchy found necessary.¹

To generalize from the old precedents so as to throw all the little boroughs into little counties was, when one looked closely, seen to be impracticable. For there was 'a certain long county' in which the Crown had formerly created so many boroughs for packing the House with its dependents, that it could not supply enough breadth of rural land for their setting. Grampound, a borough in Cornwall, had taken up some of the abundant leisure enjoyed by Lord Castlereagh's House of Commons soon after the Peace began ; and when its abolition was agreed upon by reason of its venality, the majority yielded to Lord John Russell's argument, when the young Whig pointed out that the hundred of Powder, in which Grampound lay, contained four whole boroughs besides Grampound, and 'three out of the five voters for the borough of St. Michael's,' and was therefore too 'fertile of Members of Parliament to retain in its

¹ Mr. Lambton was Earl Durham in the Grey Ministry.

lap a successor of the imprisoned Lopez.'¹ The two Lords conferred on this point. Lord Castlereagh, though kind and open in private talk with the Reformer, held fast to the favourite principle of contiguity ; but it was proved to be inapplicable. The Commons voted for giving to Leeds, the chief cloth-making town of Yorkshire, the power taken from the Cornish village. The House of Peers upset this decision, and gave it not to a town of the West Riding but to the whole shire of York ; the clustered orators of Powdar continued to number eight and a fraction.

The Peers then had forbidden the Commons to strengthen their House by taking in representatives of a flourishing town when room was made for them by the disability of an old borough. Yet Mr. Peel, when leading the Commons, had declared that it was right to make such transfers. He was for giving one out of every two vacant electorates to a town, reserving the other for the neighbourhood of the condemned borough ; and although he fumbled over an occasion for doing this when the two culprit boroughs, Penrhyn and Retford, were dealt with separately, and actually voted the Retford electorate to the hundreds adjacent when his friend Mr. Huskisson voted it to Birmingham, he said plainly enough that he approved of the principle which the Lords had in the case of Grampound and Leeds interdicted.

Accordingly Lord John Russell had in 1831 a right to claim Sir Robert Peel's vote when he proposed to shift the representative rights of many

¹ See part i. page 246.

spurious boroughs to great commercial towns, to great town districts which had grown up round the city of London, and to a few of the fashionable towns in which wealth was enjoyed rather than created. The county of Cornwall indisputably supplied a stock of transferable electorates; he chose out of them eleven for absolute transference. Wiltshire furnished six. The three counties between Wilts and Cornwall made up the list to twenty-seven; and as every borough sent two burgesses, there were fifty-four seats in the House to be emptied by the first incision made on the five counties.¹ The other shires of England south of the Trent and East of the Severn, were found to contain many indefensible boroughs. Of the sixty marked for abolition Yorkshire gave three, Lancashire one; no other region of manufacturing industry was thought to contain any borough worthy of extinction.²

In examining the list of boroughs it had been thought expedient not to attempt an estimate of political delinquency—that is to say, of the venality heretofore assigned as a reason—but to recur to the reason for which boroughs had been reduced to the level of unrepresented towns in the Plantagenet era, when

¹ Add the single seats taken from the half-disabled boroughs, and it will be found that the five south-western counties spared out of their boroughs seventy-two seats, of which only eleven were deducted to supply their own wants; the residue available for the satisfaction of stronger claims exceeded the whole representation of Scotland.

² Yorkshire contained one of the most curious anomalies—a parish divided into two boroughs, in one of which those only voted who held freeholds (*burgage*); in the other all voted who paid, as inhabitants, their quota, or proportional contribution, to taxes levied on the town (*scot and lot*).

representatives were paid by the townsmen, and small population, as an index of poverty, was the plea for exemption from the burden.¹ The criterion of number, not the number of inhabited houses, but the number of human beings, counted in 1821, was the only test applied ; and the number of 'souls' now required for two members of Parliament was four thousand, for a single member two thousand.

If there was discovered a town inhabited by men wholly independent, owning no allegiance to any rich or noble personage, free from all stain or suspicion of venality, it was nevertheless to forfeit its character and cease to be a parliamentary borough if ten years back it had not mustered two thousand inhabitants ; it was to retain one of its two representatives if it had then passed the number of two thousand, but had fallen short of four thousand. Even if it was a county town, so that it witnessed the nomination of county members and received the judges at assizes, yet its dignity went for nothing. It may seem hard that Appleby, the capital of Westmoreland, was not treated with as much respect as had been shown to Retford.

The Reforming Ministers were so far from abhorring anomalies that they went out of their way to increase the stock thereof. Whilst in England they clubbed together some contiguous towns to make sufficient boroughs, which was quite rational,

¹ In the fourteenth century boroughs were taxed a tenth when counties were taxed a fifteenth. Boroughs which escaped were generally let off by the sheriffs without a formal dispensation.

in Wales they formed borough districts, by grouping in a sort of federation several towns lying apart from one another, and separated by tracts of country which contained other towns or villages ; so that there were ten Welsh counties deprived in elections of their towns, and reduced to spotted patches of rusticity ; a Welsh county of about a hundred thousand inhabitants had two representatives, one of whom represented all the spots, and the other all the patches. This fantastic arrangement seems to have been borrowed from Scotland ; but in a Scottish federation of ' burghs ' there had been a method of joint election by delegacy, or by what is called elsewhere an electoral college ; a Welsh burgess was to represent several sets of townsmen added together. The somewhat curious setting of towns in constellations must have been amusing and captivating to Lord John Russell's mind ; for many years later he proposed, in one of his unsuccessful Reform Bills, to apply it to England.¹


Although the formation of boroughs was based on gross arithmetic, and a hasty survey might leave the student under the impression that boroughs generally were dealt with by Lord John Russell as vile bodies exposed to the rule of three, whereas counties were to

¹ A Turkish sultan, lodged in Buckingham Palace, found a green carpet laid down in his parlour ; green is the sacred colour for Turks ; the sultan durst not set foot on it. The room could not have been occupied had not the guide pointed out some red spots in the fabric ; on these the pious guest had to plant scrupulous toes. Such is the process of canvaasing a borough district ; all that is green in the district is sacred to the squires, and the politician sent down by a political club has to skip from town to town under the guidance of agents who know their boundaries to a nicety.

be treated with tender regard for antiquity, yet there was one English county, Southampton or Hants, whose integrity was not maintained. The abhorred principle of electoral districts is found, on reading the great Reform Bill, to have been admitted where a strip of sea divides Hampshire from the Isle of Wight. This favoured isle which, treated almost rationally, and becoming almost a geographical integer, figured as a sort of link between county and borough. For its single member was to be chosen by forty-shilling freeholders, and other voters under the new county franchise ; and all who held property or occupied lands in the island which gave the vote were no longer voters for Hampshire, unless they also held lands in Hampshire. In substance, a new parliamentary county was created for England ; and it resembled the other counties in that it had to suffer the excision of a town or borough in which the franchise depended on residence, not on ownership, in a house of ten pounds' rent. A simple district, with an uniform rule about the right of voting, was so much dreaded by the Reformers, that even when they seemed to be picking out a natural unit, suitable in extent and population for acting as a neighbourhood, they took care to put aside four hundred and twenty householders of Newport. When thus mutilated the isle had as many voters as Flint, Rutland, or Radnorshire.

The principle of topographical division was applied to the ' province covered with houses,' commonly called London. There was no pretence, no hope, of

civic unity for any part of London, save that central spot which was called the City. Three pieces were taken from the county of Middlesex, and called boroughs. Freeholders dwelling in them were no longer to vote with the freeholders of Middlesex, but with their street neighbours who paid rent for houses. The residue of Middlesex was still to figure as a county, and still included voters who had votes also in London ; for the power of interfering with county elections was to be taken away from those only who dwelt in the new boroughs, not from inhabitants of the City or of Westminster. The result of these contrivances was that when registered for the first general election under the Reform Act, there were inside the boundaries of Middlesex nearly eighty thousand voters, of whom about six thousand voted for knights of the shire ; and of these six thousand the great bulk must have been urban or suburban, not rural householders. Of the region made up by bits of two counties which was called London, the greater half, lying on the left bank of the Thames, doubled its representation, rising from six to twelve 'citizens and burgesses ;' and the smaller part, lying within the bounds of Surrey, rose proportionally from two to four. Here then were reconciled two principles, both of them tenable, yet not everywhere easy to harmonize ; the principle of respect for the ancient and happy accident called a shire, and the principle of gathering contiguous parishes into boroughs for parliamentary purposes, with a loose consideration of the number of inhabitants. Whether the Londoner



had to choose his spokesman in his own part of the huge town, or in those outskirts which did duty for his county, he was by the new law enabled to vote close to his home, and he was one of a multitude not so great as to make his vote more like a grain of dust than a pebble. The variety of franchise retained and defined in the six parts of Middlesex may be considered to have worked successfully, if the design was to make a county member dissimilar in social station to a town member ; for the residuary fields of Middlesex have had, like real counties, knights of the shire taken from real 'county families.'¹

The change made in London, whether it be called the dividing of one town into many, or the dividing of a small and populous district into neighbourhoods of fairly equal strength, appears to have been a change not demanded by Lord John Russell's forerunners, or by himself in his earlier Reform speeches. Even in reasoned arguments the imagination plays a part ; and the excrescences of London and Westminster, having no visible boundaries and few spots that memory dwelt on, had not stirred the imagination, like organized towns which had municipal franchises and marked features. Finsbury might have continued to be a mere section of Middlesex, Lambeth of Surrey, without stirring a sense of wrongs, for they were

¹ In reference to the term 'shire' a great archæologist, who is not the least afraid of democracy, teaches that a shire is a division made long ago by men who measured and counted ; the shires of mid-England are as artificial as French departments or Canadian counties ; there is nothing 'new-fangled' in cutting a region into political units. But in popular use shire is equivalent to county, and many English counties shaped themselves, or were put together in an unsystematic way.

shapeless masses. But there were three towns, Manchester, Leeds, and Birmingham, whose claims were undeniable, whose names had wearied the House of Commons as the names of creditors weary a debtor. No abuse was more flagrant than their political disability. The first two were capitals of special industries, the third was as famous for multifarious inventiveness as the two for the perfecting of cotton and of woollen fabrics. Manchester belonged to an aristocratic neighbourhood, made by its house rents the wealth of some lords, and looked to the Earls of Derby to supply an agent for setting forth its requests in Government offices. Leeds, like other Yorkshire towns, employed as a spokesman in conference with Ministers, a Lord Wharnccliffe, or some other member of the Yorkshire family called Stuart-Wortley, whilst it supplied a member for Yorkshire from one of its own leading families, the Marshalls. This, perhaps, was the virtual representation with which some bold Tories said that the townsmen of Manchester and Leeds ought to be contented. Birmingham was more democratic, and her discontent was more formidable; if a civil war broke out, and a rival Parliament set up, Birmingham was its most likely base of operations.

Somewhat less conspicuous than these three was the town of cutlers, Sheffield. It had a short-lived and vehement breed of craftsmen, and a rhymer, called Ebenezer Elliot, who wrote from year to year about the Corn Laws, in a fierce strain; its best neighbour was a high-spirited Whig, Earl Fitz-

william, whose opinions were so stiffly expressed that he had been looked on by the Court as a rather dangerous person.

These towns were nothing less than Powers. They had to be treated with something like the consideration which politicians gave to Ireland before the Union, in those years in which the example of the American colonies encouraged the leading Irishmen to demand liberty. Men trained in the Castlereagh discipline knew very well that compact urban communities were entitled to respect, and that their combined and interlaced families of millowners could not be managed by the distributors of patronage. It was manifest that there were in the unrepresented cities many able men belonging, like Sir Robert Peel, to the second generation of the manufacturers whose wealth was due to the steam-engine; and that it was not safe to persist in excluding them from the aristocracy or governing families. Men of pleasure, men of superficial literary habits, men of the Church and of the Army, were almost entirely unacquainted with the manufacturers; but the London bankers and lawyers knew at least that they were generally more tough and keen than others of equal wealth; and it began to be perceived that they were less afraid than the Londoners to say 'No' to the King's Ministers. Mr. Canning's authority was cited against any change of Parliament, and his disciples were reproached for being faithless to him when they supported a Reform Bill; but it is hard to believe that Mr. Canning, had he lived a little longer, would not

have agreed with Mr. Huskisson, with Sir Robert Peel, and some enlightened Tory Lords, that the foremost manufacturing towns must be admitted to a share of direct parliamentary action.

This concession could not have been proposed by Tory lawyers, even if they had enriched themselves on the Northern or the Midland circuit. To them it was the height of political wisdom to reflect that their own profession was the avenue that led to the parliamentary field, and that the Bar was accessible to the sons of manufacturers. Because the descendant of a waggoner, the two sons of a 'coal-heaver,' the sons of barbers and saddlers prospered in the courts, no less than a well-born Murray or Erskine, therefore it was clear to forensic minds that the existing Constitution, that is, the haphazard jumble of representation, was quite liberal enough to give every man a fair chance.¹

It could not be denied that the practice of trading in seats made it easy enough for a millowner to put his son into the House of Commons, and that the spokesmen of commercial classes were efficient members when questions of trade arose, without having been sent to St. Stephen's from thriving towns ; for instance, the four Aldermen who sat for London were stated, without contradiction, to be less fit to represent Lombard Street than seven Lombard Street gentlemen who were sitting on purchased seats

¹ The word 'coal-heaver' was used, poetically of course, by the Princess Charlotte, when placed under duress by the advice of the Lord-Chancellor Eldon.

called after Cornish or Sussex villages. But it was not merely to speak in behalf of an 'interest,' to explain the bearings of a tax on a particular industry, that the producers of commodities were to enter the House. They had a natural wish, safe to gratify, unsafe to thwart; a wish to take part in the general business of the State; to sit with the squires, and answer or swell their party cries; to know and be known by the spirited and accomplished persons who represented the public offices and explored the Courts of Europe; and to join in debate, not as adventurers, nor as inevitable potentates, but as English gentlemen with connections and followings of their own. In such a town as Manchester, there was a species of Englishman heretofore hardly known to Londoners. This was a set or connection of Unitarians, that is to say, of persons who, believing that the Sacred writings did not contain the subtle dogma about the Divine Being which the Church and its offshoots declared, endeavoured to conform their lives to the superhuman ideal of goodness which they, in common with the orthodox congregations, adored in the person of Jesus Christ. Their creed, which, so far as it was theological, was Arian, hindered them from worshipping with the rural gentry on the forenoons of Sundays. Yet they were not so constrained by tenets as to be sundered, like the orthodox Dissenters, from general 'good society.' Once admitted to the parliamentary circles they would be at their ease; and in those regions they would meet with freely-thinking citizens initiated in the social arts, and not abhorrent of

provincial heresy.¹ If a Manchester man were to join the legislators with a Manchester backing, then would a fresh cluster of families enter into the greater set of families which led the nation.

But Manchester would not be bound to give her two seats to two of her own worthies. If she seated, alongside of a chosen citizen, a stranger taken from the competitors who had already won distinction in the House of Commons, she would be doing as Liverpool had done in electing Mr. Huskisson or Mr. Canning. That this was likely to happen might have been conjectured by a well-informed politician. Lord Lyndhurst framed a different conjecture; he was advised that Mr. Cobbett was the popular claimant for one of the seats which he feared would be given to Manchester, and that this aged man was known to have been threatening the fundholders with a forced composition or reduction of their credit. Lord Lyndhurst's expectation was not fulfilled. But such predictions of evil are not always useless; they sometimes act as warnings; and a new borough may have been roused to keener discernment by being told that a clever judge thought ill of its intelligence. If, however, it had been certain that the householders of Manchester, exhausted by sixteen years' continuance of taxes due to the wars, were bent upon having a delegate under orders to propose the lightening of the public burdens, and the clipping of

¹ The creeds or symbolic documents used in the forenoon, not in the afternoon, were expressly directed against Arian views; in the afternoon Unitarians could, without scruple, enjoy their common right of sitting in parish churches.

the fundholders' income, it must be thought better that the delegate should express this desire in the House of Commons than elsewhere. That such desires should be uttered in petitions, and that such petitions should be talked about in the House, was part of the established order of things ; and if an answer was given courteously to the delegate, this was the most effectual way of admonishing and controlling his electors. Discontent embodied in a ring-leader is a palpable adversary ; and if to the advocate of a multitude which thinks itself aggrieved are accorded the honours of comradeship by a hundred good-humoured gentlemen, he is apt to change into a teacher and peacemaker when he represents London before his own masters, the shopkeepers and craftsmen of his borough. And then, supposing that the borough member fails to convince his people of error in their views, or of the difficulties and delays that he sees must be endured, it is better that they have had through him a fair hearing in a sovereign assembly than that their notions should be exploding in riot. The malcontents who had no votes were not silent nor powerless ; and when indemnifying themselves for the denial of the franchise, they were more noxious than the malcontents who polled for a Cobbett.

In considering the claims of great English towns, in searching for arguments against giving Manchester, Leeds, Birmingham, and Sheffield the liberties enjoyed by Nottingham, Coventry, Norwich, and Northampton, the Tories were allowed too easily to assume that the

claimants belonged to what were called the middle classes, and the annalists and their commentators have neglected the consideration of those high-minded families who gave distinct characters to several great hives of skilled industry.

The error of supposing that the new electors and their delegates would at the best be on a level with the families from which Lord Eldon and Lord Tenterden owned, with more vanity than meekness, that they had just emerged, was in some measure palliated by the habitual reticence of the leading manufacturers. It required some force of imagination to discover how capable they were of civic action. For they had not in their towns sufficient opportunities of deliberating and administering. Unless one was a Dissenter there was nothing for one to do in a town apart from carrying on one's own business. If there was no chapel to build, nor a 'trust' for maintaining a preacher, there was seldom a work to be done with or for the townspeople. An oligarchy, generally held in low esteem by the owners of capital, kept to itself and to its timid agents the management of estates which in earlier days had been bequeathed to the community by charitable citizens. The 'mean-ness of English life,' which disgusted the philosophers of the day, was nowhere more conspicuous than in the behaviour of municipal officers. A city, which, if it had been in Italy, would have been admired and glorified, was slighted if not despised by its English neighbours. Towns which had been of critical importance in the war between Charles and

the Parliament, and in the war between George and the colonies, were in a state of degradation, not for want of wealth or of domestic virtue, but for want of public spirit and of regular channels for the flow of disinterested energy.

In what is called the logical order it had been right that the towns should transact their own affairs before joining the aristocracy in the conduct of the State. But the Reform Bill, which was to give them freedom to choose their representatives for Parliament, came before the Municipal Corporations Bill, and cleared the way for it. The municipal corporations were to be deprived of their control over the election of members of Parliament before they ceased to be mean and vicious confederacies. The alteration of the centre of gravity in a corporate town which was also a parliamentary borough was effected by the Legislature in two strokes, of which the first was the more alarming to Tories, the more satisfactory to Whigs ; the easier of the two because dealt in a year of excitement, the more dazzling because it was an incident in a grand national combat, the less effectual in permanently raising the character of the urban people.


Municipal corporations, everywhere except in the city of London, were to become purer and nobler ; the first and most difficult step towards this change was taken when those which returned burgesses to Parliament were compelled to disgorge their usurped prerogative. It is worth while here to notice a few specimens of the towns in which the right of electing

burgesses was taken from oligarchies and given to the inhabitants.

North Britain contained a city of ancient renown, which had not forgotten that it was once the capital of a kingdom. Edinburgh had about one hundred and sixty thousand inhabitants, of whom thirty-three formed the Town Council and elected the two members of Parliament. The Town Council, although its chief, the Lord Provost, was the chief magistrate, was not entrusted with the maintenance of order. The police was under Commissioners, who were elected by those householders who paid at least 10*l.* sterling yearly rent. When the people's passions were stirred by an election of members of Parliament in which the people could legally take no part, the Lord Advocate, a lawyer but not a judge, was held answerable for the King's peace. Edinburgh was the seat of judicature for more than two millions of people, whose law was, compared with English law, rational. It witnessed the General Assemblies of the Clergy whose Establishment was, next to the law, the stay of the Scottish character. It contained an University, whose professors harangued young men by hundreds. The advocates, the preachers, the lecturers, were the principal ingredients of a civic society so small that every one knew the name, the connections, and habits of every one else, so great that it made and supported reputations acknowledged in London and Paris. The society of Edinburgh was more intellectual than commercial. The dispute between Liberals and Conservatives was fought out in her periodical publica-

tions more brilliantly than in London. Her writers and speakers were at once busied with Scottish questions and with the interests of the United Kingdom ; and, although a great proportion of Scottish intellect and activity was drawn off to the service of the East India Company, the Scottish city manifestly contained the elements of parliamentary force. It was irrational to suppose that such a community would be content with one member of Parliament, chosen by only thirty-three persons, even if those thirty-three had been selected with the utmost care and recognized by the citizens as their leaders, instead of being looked down upon as people of the second rate. Eight years had passed since seven thousand out of the ten thousand householders signed a petition for adequate representation ; and Mr. Abercromby, who was in 1823 considered the rightful spokesman, was ready in 1831 to become a legal representative of the great Whig city.

Edinburgh had been since the Union the only Scottish town that had a member to itself. Even Glasgow was but one of a set of ' burghs,' and shared a representative with its neighbours. Glasgow had become, in consequence of the Union, a rival of Bristol and Liverpool in trade with the colonies, and had taken more than its rivals out of the hundred treasure-chambers unlocked by mechanical, chemical, and metallurgical inventors. Unless directed by conscientious advisers, its many myriads of craftsmen were likely to be habitually enthralled by the conceit of skill and efficiency, and occasionally drawn into



evil forms of combination.¹ They lived close to the most remarkable and successful of the reformers, who, because they had faith in association rather than in competition and free contract, were called Socialists. If they followed the Socialist Owen they must separate themselves from their natural leaders, the chiefs of factories, who, partly by their own efforts, partly by inheritance, marriage, and partnership, had acquired capital, and enjoyed by virtue of capital great freedom in making bargains. It was no longer possible to keep the Scotsmen away from theories of secular life by minute controversies about religious discipline. To turn Scottish artizans into thorough Britons nothing could be imagined more effectual than the completion of the Union. The Union could be completed, not by abolishing the Presbyterian Church, nor by framing a British system of jurisprudence, but rather by admitting the fairly-chosen representatives of the Scottish communities, especially of the growing industrial towns, into that national assembly which was to be the school of political economy and progressive philanthropy.

Although not empowered to throw into the counties the smaller burghs which had been strung together in sets when the Scottish House of Commons was compressed into a body of forty-five men, the authors of the Scottish Reform Bill, Mr. Cockburn and the Lord Advocate Jeffrey, contrived to get

¹ The only regiment of cavalry quartered in Scotland has its headquarters near Glasgow; but the whole regular force stationed in Scotland has been throughout the modern period not more than two thousand men.

two seats for Glasgow, a single seat for the city of Aberdeen, which, like Glasgow, had an University, and a seat apiece for four prosperous trading towns. Mr. Cockburn felt and recorded an opinion which by bad luck escaped, at the time, public attention, that every parliamentary man ought to be member for some one place. He did not perceive that this reasonable simplicity could not be obtained as long as the artificial thing called a borough was kept up, with any regard for the principle of population. But at all events the actual existence of Scottish cities was revealed ; and thenceforth the gentlemen of North Britain might hope to win seats as conspicuous and authoritative as Westminster, Bristol, and Liverpool.

There were some boroughs too considerable for extinction, in which the enfranchisement of the householders would be the restoration of what had been lost through negligence, or betrayed by corporations, or trafficked away in times comparatively recent.

The Ministers recognized, with more or less plain speaking, facts of patronage which were generally veiled by decorum, as well as those facts of dominion and venality which had been for some generations open to satire.

There was a town in the south-west of England called Tiverton, whose voters, it was alleged, looked to Lord Harrowby's family, the Ryders, for introductions to people in the Government, since the Ryders had an honourable influence in London, and could sometimes get places of emolument for their friends ; yet Tiverton was not called a nomination

borough, nor did any one wish to degrade it. If all its comfortable householders had the suffrage, the Ryder patronage would not suffice for moulding their politics. It was not likely that Tiverton would grow into a city ; but it might become a town of character. Patronage could not be uprooted, but a counterpoise for it was sure to be established if the voters were numerous.

Cambridge, an Assize and University town, was stated to be engrossed by a corporation which, for patronage, made over to a Duke its power of electing two members. This Duke could bring a friend from Ireland to sit as burgess for Cambridge ; yet the town thus gagged had reckoned two hundred voters about a hundred years since. It was now to recover a lost franchise, and resume its rank among shire capitals.

Amongst restored boroughs Plymouth deserves notice. A hundred and fifty years before 1831, Plymouth had seven thousand inhabitants and three hundred electors ; a ratio which might be considered satisfactory if re-established by modern reformers. By the Russell Bill Plymouth Dock, or Devonport, was cut off from Plymouth, and made a borough. The population of the two Plymouth boroughs amounted in 1831 to about seventy-five thousand ; the electors under the new law were about one in twenty-four of the inhabitants. But the electors ten years earlier had been fewer by one-third than in the seventeenth century, and only one in three hundred of the inhabitants. The corporation had absorbed

the community. To destroy this oligarchy was indisputably righteous.

Knaresborough was not to be disfranchised, although it was as close as any borough. But its inhabitants were to become voters. In the general election of 1830 Knaresborough contained no resident voters ; but a Duke's tenants, about six in number, rode into the town, took from the Duke's attorney the deeds which made them electors by burgage tenure, voted the Duke's two friends into the Legislature, came back to the attorney, and surrendered the deeds. To satisfy the natural love of freedom and to compensate for the denial of indirect legislative power, the inhabitants were indulged with the amusement of 'chairing' the members. The chair was a moving pillory, and the member's triumph gave license to the common people. A certain member once came late for the ceremony, and found that he had been represented by one of the Duke's gentlemen, who wore a black patch, 'as big as a serjeant's coif,' on his face.¹ By abolishing the burgage tenure and substituting the ten pound householder's suffrage contingent on residence, the Act would give Knaresborough something less than three hundred electors, a number thought sufficient by the Liberals of 1831.

In those days it was ascertained that in almost all towns a house of ten pounds rent was the abode of a

¹ Lord Brougham gave this personal narrative at full length to the Peers, in the presence of his former patron the Duke of Devonshire. He appealed to another listener, Lord Tankerville, as one who before becoming a peer had personally experienced the playfulness of the Knaresborough non-electors.

person not living on weekly wages, nor in danger of becoming indigent by mere mischance. It had been proposed by Sir Robert Peel, and the proposal was respectfully considered, that the borough franchise should be limited to those who were qualified to serve as jurymen in trials. Had this criterion been determined most of the boroughs would have been inadequately furnished with voters. But it has been made clear by subsequent experience that, whilst avoiding patronage, the Reformers ran into the error of facilitating bribery. They diluted the influence of noblemen by enlarging the vote-list of such boroughs as Tavistock, where the Russells, Tamworth, where the Peels, Calne, where the Petty family, had dominant influence. These and many others became respectable boroughs. But improved and newly created boroughs proved, generally, less pure than counties; and for at least forty years there were many towns in which bribery flourished amongst the small shopkeepers who occupied ten pound houses.¹

Those who voted by burgage tenure in boroughs which retained the franchise were not to lose their suffrage by the Act, if they possessed, in freehold, houses of ten pounds annual value. Owners were to be on the same footing as occupiers, but they must reside in the houses and take care that they put their names on the register. The small freeholder of a borough was, the small freeholder of a county was not, bound to residence.

The institution of the ten pound suffrage was a

¹ The Reformers ought to have used their opportunity to create

measure of exclusion in some English boroughs. In the boroughs subject to corporations it excluded the poorest of the 'freemen,' or rather of the class from which many freemen were taken ; henceforth no one was to get a vote by getting the 'freedom' of the corporation, but only by owning or occupying a fairly responsible house. In those boroughs which in some obscure age had allowed all householders, not merely the members of guilds, to vote, the Bill deprived poor men, sometimes in great numbers, of their old political voice.¹ This disfranchisement was not incidental, but part of the main design. The authors of the Bill abhorred 'universal suffrage,' even when limited to adult sane males unconvicted of crime ; they excluded from citizenship the occupiers of the worst houses in towns, and the lodgers in parts of houses. They should have been credited with aristocratic firmness when they swept away masses of voters who in the borough of Preston preferred Mr. Hunt to Mr. Stanley.² The work which they did in several towns, where they limited the suffrage to about one-

machinery outside Parliament for checking bribery ; there was an effective law, 2 George II. c. 24, by which adequate fines could be imposed by judges on men who bribed ; unhappily it was left to be enforced by private persons ; a Professor at Cambridge made two Tory agents pay 500*l.* each in 1835 at Cambridge Assizes.

¹ The word gild, or guild, was an ancient term for a society of town-folk bound together by a common employment. These societies seem to have irregularly coalesced into bodies which took all the power they could get, either from Lords or from the Crown. The 'City,' that is the central seven hundred acres of the district called London, survives to show what a confluence of guilds can form.

² The Preston men were called 'potwallers,' or 'potwallopers ;' it was one of those boroughs in which every one who 'furnished his own diet,' whether he rented a house, or a room, or part of a room, had a vote.

seventeenth of the inhabitants, was not the work of schemers anxious to please the mob ; and on conservative or aristocratic principles it seems more prudent and valiant than the later Act, which in the same towns and many others gave the suffrage to about one-fifth of the population. Yet it is a fixed British principle to respect a vested interest or a prescription in favour of any one ; and without assenting to Sir Robert Peel's opinion that the Preston suffrage should be permanently maintained, it might have been plausibly argued that the poor voters of Preston should keep the suffrage for their lives. For this tenderness was actually shown to men perhaps not less poor, the freemen of Coventry. They were allowed to vote for members so long as they resided in Coventry ; and as the voting force in this borough after the passing of the Act amounted to nearly one-eighth of the population, it may be supposed that many of the freemen were in social station below the ten pound householders and on a level with the lodgers of Preston.

The borough of Coventry, although it seemed unstable because it made ribbons, and ribbons were playthings of commercial fortune, kept up for thirty-one years an unbroken attachment to Mr. Ellice, the Whig, who, as Secretary of the Treasury and party manager, did in all but debate as much as any Whig to procure the great Reform, and must, in the absence of disproof, be thought a sponsor for the freemen. He held his seat till death, being returned nine times, once only without a contest, and he was probably outlived

by many of the favoured voters whom political writers have branded as the most corruptible of English electors.

The freeman who retained for life his right to vote must not be supposed to have been unscathed by Reform. For it is one thing to vote in a small privileged body, numbered, personally known, and, just before an election, smiled upon by an attorney ; another thing to vote in a crowd of neighbours too numerous to have their debts paid by a candidate, venal still, but depreciated. Squire Hunt, who had spent thirty months in the little town of Ilchester, and had ample leisure for studying the habits of the townsmen, told the House of Commons that every one in Ilchester who had a vote took care to get into debt up to the sum of 35*l.* in time for an election ; and if this was the average price in a venal borough, a freeman might have earned a hundred guineas between the autumn of 1830 and the autumn of 1832. Here, then, if the freeman had a vested interest, was a case for compensation. This word does not occur in Lord John Russell's Reform speeches of 1831. Yet he had, only a year before, proposed a resolution to the effect that boroughs deprived of two members should be compensated out of a fixed sum to be voted by the House for several years. This omission was no doubt wise. No one who looked closely into the matter could see how to apply, how to distribute, money voted to a borough. If given in small sums to individuals, the gift would imply that they were parting with a commodity. If given to a corporation,

it would either be wasted on dinners or added to the stock of doles which drew idlers to a town. There was a precedent quoted in 1830 by Lord John Russell. Money had been paid by Mr. Pitt on the extinction of Irish boroughs; the Whig Reformer, half a year before he sat down with Lord Durham to frame the Bill, approved of this payment. But it was a payment not to boroughs, but to individual proprietors of boroughs. No one proposed to spend the money of the taxpayers in 1831 on the nine lords who nominated sixty-three members. Yet Mr. Pitt, in 1785, had proposed to bestow a million sterling on obtaining the consent of proprietors for the suppression of thirty-six boroughs. It was convenient to forget these topics; but those men winced a little who had recently bought the right to nominate legislators as coolly as they might have bought the appointment of ensigns and rectors.¹

In examining thus far the scheme of Lord John Russell, set forth in March 1831, two out of the three grievances which he denounced have been considered, and it is found that he provided a complete remedy for one of them, the appointment of members by corporations, and that he deprived most of the patrons of their inherited and purchased nominations, sparing those whose towns contained two or three hundred decent houses. The third grievance, the

¹ Mr. O'Connell said in debate that forty boroughs were paid for at 13,000*l.* apiece. According to Mr. Burke each seat for an Irish borough, when the members sat eight years, at the end of the eighteenth century, was sold for 2,500*l.*; the price had been 1,500*l.* when they sat for the King's life. At this rate a borough was worth to its owner 62*½* *l.* a year, and was ultimately bought up by Mr. Pitt at twenty-one years' purchase.

costliness of elections, touched not the venal towns but the unwieldy shires.

The division of a shire for magistracy was a thing already known. Yorkshire was not, like every other county, under one lord-lieutenant; it was divided into three districts, called ridings, and each riding had its own lord-lieutenant, who appointed deputy-lieutenants and justices of the peace. If it could be split into three for the magistracy, why not for representation?

English counties, however unequal in size, had been always treated by the Crown in the issue of writs for elections as equally entitled to two knights of the shire, till Yorkshire, by the will of the Peers, got four.¹ Those who had formerly proposed to increase the strength of the counties seem to have thought of doubling the number of knights for big shires, not of dividing shires. The sacred number two had long ago been merged in rational calculation when four representatives were allowed to the city of London.² If there had been no Yorkshire, if no shire had been bigger than Lincoln and Devon, the Reformers would probably have stuck to doubling. But the facts about Yorkshire suggested division.³

¹ See p. 85.

² It has been conjectured that the founders of representation, when they bade each sheriff send two men, had regard to the perilous and wearisome journey to and from the seat of government; this corresponded with the mission of two itinerant judges on each circuit. Whether this is the historical explanation or not, at all events reason approves of dual representation, because the agreement of two minds is more weighty than the decision of one or the composition of three, supposing always that the object is to enable a district to act as a holder of a share of sovereignty.

³ Earl Grey, when a commoner in 1797, brought forward a scheme

To this lucky anomaly is due that 'fissiparous germination' of counties which ensured the ultimate adoption of the Lambton district.¹

It is conceivable that, if vehicles moved by steam on rails had been brought into common use twenty years sooner, the Reformers might have been induced to think it still possible to abate the costliness of county elections without impairing the unity or integrity of the big counties other than Yorkshire. They desired to enable the freeholder to give his vote at a place within fifteen miles of his abode, so that he was to be relieved of the necessity of going to the shire town.

No improvement of roads or of vehicles could ever give the peasants generally such facilities for polling as were enjoyed by townspeople. But much greater facilities might have been given than the Bill now offered.

It was thought desirable that a county election should not, if disputed, cost so much as to impoverish aristocratic families or frighten them into a silent compromise. The process was made cheaper, by the institution of polling-places for all counties, as well as by turning twenty-seven counties into fifty-six districts; and for the ensuing fifty years contests were frequent enough to keep the farmers, the country clergy, and the Dissenters of small towns and villages, from political stagnation.² As there has been a suffi-

which included the conversion of the ridings into shires, with two members each.

¹ See p. 84.

² Hampshire was divided into three districts; the third of these was the Isle of Wight.

cient amount of rivalry amongst the noble and gentle leaders, so there has been enough constancy, enough security of tenure, to provide with seats most of the aspiring politicians who in the earlier age would have sat for close boroughs.¹

It seems, however, strange that any one so enlightened as Lord John Russell should have prided himself on the measure as a durable settlement. His avowed and excellent design was, not to establish the superiority of any class, but to make the whole nation more lively, hearty, agile, and robust. To carry out this design fully he should have made it easy for every substantial man to take part in the choice of representatives. Such hindrances as the ties which hold a shepherd to the uplands or a watchman to a lighthouse must be endured. But if a man is doing business in his right place, and it happens to lie outside the limits of a borough, and yet the man is as well housed as if he were inside the limits, and he has that which would be the qualification for a borough vote, this man is aggrieved in that he has no vote; he is wronged by calling the ground that he dwells in by the name 'county,' and by demanding of him in virtue of this name a qualification which is not demanded on the other side of the line. It is not necessary for the health of the nation that there should be only one way of getting the suffrage, but every kind of suffrage ought to be valid in every

¹ In the first reformed House forty-three members for English (excluding Welsh) counties were sons of peers.

part of the country. Lord John Russell quoted, as a sign of the old and correct theory of representation, Judge Blackstone's saying that there was hardly a free agent in the country who had not a vote for a member of Parliament in some place or another. By adhering to the foolish distinction between counties and boroughs he precluded the fulfilment of Judge Blackstone's vision. He declared that the distinction of counties, boroughs, and cities was essential to the English Constitution. For this opinion he gave no reason. He may be supposed to have thought that the diversities of electing bodies were necessary for mixing men of various kinds in the House. But if six hundred men were chosen by three hundred counties, of which counties some lay within the bounds of cities, others were like the Isle of Wight, Furness, or Cleveland, others took their names from such towns as Halifax and Aylesbury, but included unbroken circles of village land, it would be found that there would be quite sufficient dissimilarity in the age, the wealth, and the accent of the men elected.¹

A great amount of ingenious fumbling was bestowed on the shaping of bundles of detached neighbourhoods, which after all were found to have no civic unity, no political character; and the upshot of it

¹ The parish of Halifax contained much that was not town; it was thought too big to be a borough, and the excess was 'thrown into the county.' If left alone it would have been a fair type of a parliamentary district, partly urban, partly rural, like Retford or Bassetlaw. Wherever a parish was big enough, as Leeds, and perhaps some London parishes, the unity should have been maintained, even though such parishes were unequal in population.

was that a House of Commons was formed nine times without the concurrence of very many good British subjects who paid taxes, who read newspapers, who were fit to judge of the merits of candidates. For very many houses, worth at least ten pounds a year, were situated in towns and villages which did not go to make up boroughs ; and the dwellers in these un-luckily placed tenements had to look on idly at elections whilst their equals were voting.

These voiceless subjects discovered that there was a way of buying the county franchise ; they had only to buy a freehold tenement or field worth two pounds a year. This would not have been very difficult but for the legal expenses of transfer and the unwillingness of landholders to sell fields by retail.

But the forty shilling suffrage was originally devised to limit and exclude. The Reformers of 1831 retained it without considering that forty shillings were worth far less than they had been four hundred years earlier, when this suffrage was invented. They meant the shires to contain, as they had for many generations contained, a preponderant mass of fairly independent voters, open to the honest and natural influence of the gentlemen who dwelt amongst them. They soon saw this low franchise, the fortuitous relic of the Middle Ages, turned into a back door for admission into counties. It was tenable without residence. The legislators of the Lancastrian dynasty had not conceived, could hardly have conceived, such a creature as an Englishman voting for a county and dwelling in a town, or holding land in two or three

counties and voting in all of them ; and now the Lancastrian institution is turned into a democratic lever for disturbing the natural balance of forces. The petty freeholders, the mock peasants, vote for knights of the shire amongst farmers whom they do not know by sight. Their opinions are made up without comparing notes with neighbours. They alight upon the field of political movement for half a day and they are counted.

The Tories made a double-edged mistake about the forty shilling freehold ; by abolishing it in Ireland they set an example of disturbance of right ; by retaining it in England they damaged the genuineness of the constituencies which they relied on. The exemption of the county franchise from the condition of residence may have seemed to Earl Grey and his colleagues a reasonable set-off against the power given to the shopkeepers of towns. It may have been regarded as an advantage that could be retained without a grudge, without notice, perhaps, by the educated gentlemen who could afford to go from London to some county polling-place, and vote by virtue of rents derived from lands adjacent to a polling-place. Fifty days were allowed, as in Queen Anne's reign so in William IV.'s reign, between the dissolving of one House and the assembling of another ; so that an active politician could take a tour through the kingdom, posting at two shillings a mile, dropping a single or a double vote wherever he had a tenant and had his own name on the register ; for the returning officers scattered their festivals over several

weeks. But this broadcast sowing of the suffrage demanded some accuracy in timing, as no returning officer was allowed under the new law to keep the poll open more than two days. It is on the whole surprising that the more democratic Reformers did not try to bar this privilege of the rich. When Lord John Russell, in describing the first Bill, began to set forth his views about the county suffrage, he was interrupted by a listener who asked him to name the condemned boroughs; and it is said by those who were present that the whole audience was so absorbed in disfranchisement as to care for no other topic.

The gentleman who polled in a town on which he was privileged to descend like a cuckoo was, perhaps, for a few minutes liable to hissing or something worse, but did not exercise his political faculty like one holding a trust and answerable to his brethren. Yet it was a theory prevalent with the followers of Lord John Russell no less than with the followers of Sir Robert Peel, that the suffrage was held in trust, and that the voter ought to vote without dissimulation. It was dangerous, they thought, to let him escape the judgment of his fellow subjects by voting secretly. This theory was acceptable to the crowds of people who had no votes, and in a rough way they exerted a sort of censorship. As long as half the able-bodied men of the nation were kept out of boroughs for want of ten pound dwellings, and out of counties for want of forty shilling freeholds or higher qualifications, they were fain to compensate themselves for their artificial disabilities by insulting and frightening the favoured

citizens. Those who signed for secret voting, which was called the Ballot, appear to have put forward the less effective of two available arguments. They estimated the Ballot too highly as a way of stopping bribery ; their adversaries found it easy to argue, from general probability and particular experience, that it would not stop bribery. They should have grounded their proposal rather on the expediency of making it easy for quiet men to vote quietly. The Liberals who disliked the Ballot were naturally abhorrent of secrecy ; for secrecy was characteristic of the close borough system ; and after sweeping away the irresponsible corporations, they reasonably shrank from granting protection against public opinion to the bodies of two or three hundred voters which in 1832 held representative power.¹ The legislators were right in leaving the change to the decision of a more legitimately constituted House of Commons.

The modern aristocracy, which, after the dethronement of James II. reviewed the institutions of Britain, pronounced honestly and prudently in favour of a statute by which it was ordained that if a Parliament had lasted seven years, the sovereign should call upon the people to form another. This period was liable to shortening in two ways, either by the death of the Sovereign, or by the command of the Ministers acting in the name of the Sovereign. The Reformers were guided by Whigs ; and the Whigs of King

¹ There were not less than fifty regions in the United Kingdom, mostly boroughs, which registered for the first reformed Parliament's election not more than three hundred voters apiece ; not less than twenty-seven had between three and four hundred.

William IV.'s time agreed, mainly on the same grounds, with their ancestors who had passed the Septennial Act. Lord Grey, in 1797, had included in his project of Reform the term of three years. Meanwhile custom had reduced the existence of Parliament to six sessions at most ; and Lord Grey either changed his opinion about a shorter term, or yielded to the contrary opinion of his colleagues. Since the retirement of Lord Liverpool there had been so much instability of administration that there was now less fear than before of Court favourites holding office against the stress of national censure ; and the deliverance of the people from the borough-mongers would ensure it sufficient control over its own affairs if changes of Ministries, with the occasional demise of the Crown, brought the average duration of Parliament down to four years, which might be considered probable. In the uncertainty of the time for a general election modern England differs from some other nations which have Liberal Constitutions, and the critical reflection which has approved of this state of things is equivalent to design.

The Stuart kings could dismiss Parliaments in fits of temper, or on calculation, when they reckoned that they could do without supplies. The modern Minister is seemingly the creature of Parliament, but the nation does not long endure a Minister who is not a man of high spirit ; and a man of high spirit insists on being for a time master of the assembly to which he owes his place. The term of seven years does not so much cramp, as moderate, party govern-

ment. As long as it is in the statute book it keeps up in a politician's mind a sufficient expectation of enjoying the power which he has generally worked for. The unlimited prerogative which enables the Minister to dissolve Parliament is held over the politician's head, so as to preclude a confident and secure feeling about a seven years' lease. If the term were reduced to three years it would be necessary to limit the prerogative, or else an ordinary citizen would care too little for a seat. The Septennial Act seems to be correlative with the Crown's right of dissolution. But the automatic cessation of a House of Commons on the death of the nominal ruler called King is not to be defended by plain reasoning.

No serious attempt was expected by the authors of the Reform Bill, but one feeble attempt was made by a Reformer not in office, to legislate for the representation of British dominions outside the British Isles. The Isle of Man did not ask, nor was it invited, to give up its curious autonomy ; though one would have thought it was as much entitled as Orkney to a member or half a member. Guernsey and Jersey, although ecclesiastically parts of England, continued to escape English taxes and to enjoy free admission to the military and civil service of the Crown, and to retain their several aristocracies, apart from the Parliament of the United Kingdom ; so that no one can justly charge the Reformers with an itching for uniformity or a contempt for local colouring.

The broad regions beyond the ocean to which Britons could emigrate with more or less sacrifice of

their birthright, were likely to be best represented by volunteer advocates, such as gentlemen who had travelled, and who came into either House of Parliament with kind recollections of colonial hosts, by peers who had held governorships, by special delegates sent to the Colonial Office. Paid agents of colonies holding seats in the House of Commons on their general merits were likely to speak for their clients more effectively than if they had been elected by gatherings of the settlers in numbers proportioned to wealth and population. The democracy of Canada, a few years later, employed a Radical, chosen not by Montreal but by Bath.

Much less then was attempted than 'doctrinaires' would have attempted to change the fashion and temperament of the Commons. One great change was determined and effected. Sham representatives were abolished. A mass of habitually idle members, answerable to no bodies of citizens, and breaking in on grave council with the insolent selfishness which is engendered by wealth when wealth indulges itself, had grievously marred the House. Such persons were henceforth either to merit their seats by winning the good-will of considerable sets of decent people, or to retire altogether from the transaction of State business. It was to be foreseen that, of the men sent up to London by the borough-mongers, all, or nearly all, that had an aptitude for parliamentary life would qualify themselves and find seats; they would henceforth respect themselves more, and do their duty better.

XXX.

WHENEVER Lord John Russell read out the name of a condemned borough, there was a laugh. The representatives of the condemned borough laughed perhaps in defiance, perhaps to scoff at the simplicity of the little gentleman who seemed to think he could destroy the thing menaced. Hitherto the prevalent notion had been that, whenever a borough-monger slipped into scandal, the franchise would be transferred to a big town. It now seemed quixotic to bind these sticks into a faggot and try to break it. There is safety in numbers, and a hundred sham burgesses herding together seemed to assure one another. Although Mr. Smith was eager to sacrifice Midhurst, and Lord Radnor snapped his fingers at his nominees, who came from the sheepcotes of Wiltshire, and were called the burgesses of Downton, it was not to be imagined that 'society' would humour a parcel of theorists so far as to tamper with the rights of property where owners were not eccentric. The further Lord John Russell advanced, the louder was the taunting merriment of a certain titled person who sat over against him, to whom no doubt he seemed a mere butt for men of the world. When he had done with his list or schedule of boroughs to be wholly destroyed, and the shorter list of boroughs which were to be half abolished, his grave statements and his stiff peroration were taken like a sermon, and he sat down in profound silence. Then most of the

members went out of the House to talk over the details.¹

No attempt was made to follow up the scoffing by a peremptory refusal to let the Bill be read. It was probably thought by Sir Robert Peel improper to baulk the gentleman who had turned him out of Oxford. Sir Robert Inglis had prepared a decorous and plausible speech, and he was the first to argue against Reform. He said that in earlier ages, when the representative system was from time to time altered by the Government, some populous towns were passed over. But no Reformer had ever been so strong an admirer of antiquity as to say that there ever was an age in which writs were issued on a fixed principle, or with minute attention to the growth of towns. It was known that in the stupid centuries rough, honest attempts had been made to gather for council fair samples of the king's lieges, and that the Crown trusted to the sheriffs to levy a Parliament just as an army was levied; that the harder heads and more compact governments of the sixteenth century assigned places in the House of Commons, like monopolies or garrisons, to courtiers and their friends; that the Stuarts tried to get manageable burgesses through corporations; that the Hanoverians cherished the close boroughs as a counterpoise to the Tory counties; that the Liberals who strove against Lord North perceived that liberty was endangered by the scarcity of represented towns and

¹ 'He sat down in a *profound silence*.' So says Sir Denis le Marchant (*Althorp's Life*, p. 298, published in 1876). 'He sat down amidst loud and prolonged cheering from all sides.' So says Mr. Molesworth (*History of England*, vol. i. p. 85, edition published in 1876).

of sufficiently represented counties ; and that the next generation swallowed borough-mongering as an antidote to Jacobinical democracy. It was known that in former times the nation meant, and believed itself, to be represented ; but no one pointed to any Parliament as being free from gross anomalies.

Sir Robert Inglis amused himself and the readers of newspapers with scraps of archæology. He 'believed' that a writ had been issued to Old Sarum by Edward I. 'to please some Earl of Salisbury.' He said there was 'a tradition' that Manchester contained five thousand four hundred inhabitants two hundred years before the year 1580, when it certainly contained that number ; as if statistics were a matter of tradition ; as if a town were likely to have exactly the same population at both ends of a period of two hundred years. He spoke without apology of hereditary membership by tenure. The Pitt, who was famous for owning a diamond to which he gave his name, had bought the fictitious borough of Old Sarum ; therefore Pitt's heir was to sit in the Commons, as the owner of Arundel Castle sat with the Peers. Now this peerage by tenure was not quite safe to rest on ; for Lord Eldon, not long ago, when he heard Lord Segrave claiming the Berkeley peerage by tenure of Berkeley Castle, had asked contentiously what would be the result if the lord, being in debt, assigned the castle to his tailor ; would the tailor sit with the Peers ? And Lord Eldon's question was soon to be cited by way of analogy against the holding of a seat in the Commons by

tenure ; nor was there an authority to be compared with Lord Eldon's.

Sir Robert Inglis, though he represented one of the three learned bodies which had representatives, was so ignorant of the rationale of politics as to say that Lord John Russell, on his own principles, was bound to consider a hundred voters as justified in refusing taxes if a hundred and one voters in the same place disagreed with them in choosing a member. Since such was the ignorance of a great Protestant churchman, allied with scholars, and himself tinctured with learning, it may be, fifty years later, worth while to point out that Lord John Russell would, on his own principles, be bound to say to the minority, when beaten by what Sir Robert Inglis erroneously called a casting vote : ' You have no grievance ; the man chosen by those who have outnumbered you is your representative ; make the best of him ; if he votes sometimes against your opinion, argue with him and his supporters ; if you cannot convince them that they err, wait for the next election, and take care you are not the minority then ; meanwhile pay taxes cheerfully, as you pay when you have lost a game of cards. The majority which has beaten you must for this turn be taken to be your town ; it is not a fixed, unchangeable body. You have had a fair chance of making your opinion prevail. Some one will die, some one will come of age, some one will change his mind. But if you are beaten all your lives, yet you have no grievance.' ¹

¹ See Part I. p. 198, note.

Sir Charles Wetherall denounced the scheme as 'corporation robbery.' Being a lawyer he probably knew that 'at common law,' that is in the absence of statutes, the franchise in a borough belonged to every householder, and that the limitation to a select and perpetual college or corporation had not been anywhere given by statute; that no charter given to a corporation, before the Stuart age, contained a grant from the Crown of power to control parliamentary elections. Being a lawyer he could not be asked to look at tendencies like a statesman. It may be said that England differs from France, Italy, and the United States, in that her Bar has not been a nursery of statesmen, and that in the age which proved and displayed her political sagacity, habits of legal reasoning actually disqualified her advocates for guiding her Parliaments.¹

Sir Robert Peel asserted that the main tendency of borough-mongering was to give the fittest men the earliest opportunities of showing their legislative capacity; that by their conduct when sitting for close boroughs some twenty members, the most conspicuous in sixty years, earned the confidence of popular bodies of voters, and, when they lost their favour, escaped deprivation by taking refuge in the sanctuaries from which they had emerged. These examples, he thought, were so numerous as to be not accidents but regular consequences.

¹ Mr. O'Connell examined the list of sixty boroughs marked for destruction, and found that in sixteen only was the franchise engrossed by corporations. He might as well have added that corporations were maintained to carry on the small business of their towns, not for purposes of wider range.

There were several answers that might have been given to this specious argument. The answer which was actually given on the spot by Mr. Stanley, who followed Sir Robert Peel in the debate, was seasonable if not exhaustive. Mr. Stanley said that however great might be the advantage of thus introducing a legislator, it was outweighed by the disadvantage of his not being acknowledged by the people as a representative. In sketching the career of a statesman who began with a sham election and reverted to it after the loss of a real seat, Sir Robert Peel was really citing his own case; and it would have been hard to disagree with him on this point, if after being driven from Oxford University he had lost a session for want of electors. Shelter had been given him, no one knows why, by a set of seventy voters connected with a small town in Wiltshire who were believed to do the bidding of a baronet with a foreign name, and were destined, by the Bill, to share their privilege with about a hundred neighbours, and to lose one member. Of the seventy Wiltshire men with whom he had been for a short time connected, if not acquainted, he alleged that not even the humblest had forfeited his franchise by ever taking a bribe.¹

The intuitive knowledge which enabled Sir Robert to warrant the electoral purity of Westbury was of a piece with his gift of rapid historical survey. He said that in all countries, except the United States,

¹ It is said, in a book of some value, that Sir Robert Peel rented the borough of Westbury for one session at an exorbitant rent.

the experiment of combining popular government with monarchy had been tried, and that it had failed everywhere. He cited France. It is true that the monarchy of France broke down in 1792, when a phlegmatic and undignified monarch, having been allowed by his advisers to greet a mob with hypocritical embraces, was deserted by the greater part of the well-born and enlightened families. But from 1814 to 1825 the same country saw a monarch of high breeding and tact giving ample verge and scope to the intellectual discontent of Parisians, and smiling on the restored liberty of the press, in security limited by prudence ; because the aristocracy, purged by suffering and braced by the discharge of duty, had ceased to fear the rabble and had learnt to respect the law. In 1830 a third French monarch had strained the law and forfeited his throne. The experiment of ruling France with the compactness of monarchy, and of taking the best parts of the nation into council through a representative process, was in 1831 as hopeful as any experiment that had ever been made in England.

Sir Robert Peel cited the Netherlands. In the Dutch Netherlands a Federal Republic flourished for two hundred years, with an hereditary presidency which resembled the contemporaneous royalties of Europe. The House of Orange degenerated. The Federal Republic was not sufficiently compact. The Dutch nation was too small and too much troubled with discord to keep at arms' length either the soldierly despot of Prussia or the proselytizing

democracy of France. When rescued in 1814 it was fastened with imperfect cohesion to the Austrian Netherlands, and assigned to the effete family of Orange. But at the very time when it served the Englishman with an illustration, it was shaping itself into a constitutional kingdom capable of at least fifty years of prosperity; and the rival State of Belgium was just going to exhibit the most indisputable specimen ever known of a moderate kingship working under law in harmony with mutually balancing parties of freemen.

If 'popular government' was incompatible with monarchy, why did Sir Robert Peel value the English Constitution? If Mr. Tierney did well to go from a close borough to Southwark, if Mr. Sheridan was in his right place when seated at Stafford, if Mr. Windham was a greater man when member for Norwich than when member for Higham Ferrers, then were Southwark, Stafford, and Norwich, by Sir Robert Peel's own showing, integral parts of the governing power, contributors to legislation, and agents in framing national covenants. Of such electoral bodies there were in 1831 not nearly enough, relatively to the bulk of the commonwealth. If no new boroughs were formed on this pattern, except when a Grampound was by dissection proved to be rotten, the growth of the tax-paying people would go on, as in the last sixty years, hopelessly outstripping the growth of the elective force. Thus argued Mr. Stanley, contemptuously tearing off the veil which Parliamentary hypocrisy had for twelve

years held over the question of venality, and condemning the trade in boroughs as corruption.

In estimating the Tory argument against Reform, it is due to a great party to give prominence to its leader's speeches ; but the leader himself seems not to have rated highly, in later years, these rafts and jury-masts of debate which he put together for the escape of the borough-mongers.

Sir Robert Peel's reputation was by his testament entrusted to two political friends, one of whom was thought by many people, even by one or two Whigs, to be an historian of discernment ; the other was, in Sir Robert Peel's latest and best years, his worthy disciple. Lord Stanhope and Lord Cardwell have not printed in their memorials of the great Liberal-Tory any documents connected with the Reform Bill. M. Guizot, who knew and honoured him when he was the ruler of England, has expressed a belief that he did not relish debating the question of Reform, and looked with impatience for a time when he could encounter his adversaries on ground that gave him better footing.

That Mr. Stanley looked back in after times with regret on the efforts that he made for the enlargement of the nation, there is no public evidence. In 1831 he assailed corruption and anachronism so plainly, so nimbly, so victoriously, that no debater known in the annals of any country is to be more admired and envied. It is in evidence that he supplied what was lacking in the other two Whigs who were in charge of the Bill, Lord Althorp and Lord John Russell.

It is to be lamented that he has bequeathed no personal record of his glorious years.

The proper argument against Reform lay in such words as these : ‘ Our country is burdened with a great debt, and with the embarrassing charge of Ireland ; it is at all times in danger of being drawn into wars arising out of treaties and rivalries ; Ireland and the debt make war more grievous to us than to our forefathers ; to keep our place in the world we need more prudence and constancy than ever ; we now have six hundred Commoners on whom a Minister can rely for enlightened views of national questions ; we have very few Commoners whose judgment is likely to be disturbed by the wrongheaded and passionate men of the towns ; the present House has enough legislative ability, but its strength lies in its being of the same temper, the same mental habits as the House of Lords, the Bank Directors, the East India Directors, and the other great “ interests ; ” if we substitute elected for nominated members, and if, where there is election, we greatly increase the number of voters, we let loose envy against property, sectarian prejudices against the liberality of educated men, sudden sympathies and sudden antipathies against policy and obligation ; six hundred Commoners chosen by masses of half-educated people will upset our public offices, and drive capital out of London.’

Such a vision of peril as this must have passed before the minds of many patriots. There was some danger in reforming Parliament. The danger would

have been great, if the scheme had not been demanded by a Grey, framed by a Russell, sanctioned by a Lansdowne, and defended by a Stanley. But it was clear even at the time to any one who, like Mr. Macaulay, compared age with age and country with country, that the persons who governed England did not mean to let authority slacken in their hands, and were the least likely politicians in the world to yield their fortress to a mob. To those who, living in later days, have studied the characters of Lord Melbourne and Lord Palmerston, both of whom became Prime Ministers after sitting in council first with Anti-Reformers, then with Reformers, it is easy to perceive that the danger was faced, and that no leap was taken in the dark. A scheme which on the whole satisfied Lord Melbourne and Lord Palmerston, could not have been calculated to take the management of the State's affairs out of the hands of qualified gentlemen. Such risk as they ran put them on their mettle, turned them from lounging critics into careful sentinels, and compelled them to lay their minds fairly alongside of more homely minds. In declaring for one grand concession they broke away from their allegiance to Mr. Canning ; but Lord Palmerston thought it decorous to pay his dead teacher the compliment of saying that he too, if alive, would have given up his optimistic view of the unreformed House. The two great tasks of administration, the task of civilizing Ireland, and the task of maintaining England's position as the leading State of Europe, were to devolve on these two cool

heads, and were to be fulfilled, with accounts rendered to the reformed Parliament. In the retrospect it is manifest that the reformed Parliament gave them strength, and that the silencing of demagogues gave them security, which Lord Castlereagh had not enjoyed.

Mr. Stanley appears to have been the most ardent Reformer amongst the Ministers, and yet not to have been carried away by his zeal. In answer to those who said that it was unsafe to call half a million of new men into council, he said that the householders who were to get the suffrage were not so summoned. He claimed for them 'rights,' but he left it doubtful how far they were to interfere with the conduct of affairs. A doctrinaire would have tried to measure the rights and lay down the lines of interference.

Lord John Russell, when reviewing on paper his own career and publishing his speeches in 1869, touched on an argument which he advanced in Lord Liverpool's days, but waived in 1831. The old system, he thought, had not worked well. Public opinion would have checked what the close Parliament allowed Kings and Ministers to do. In his youthful speeches for Reform he went into details about proposals for economy which had been frustrated by the nominees and the purchasers of seats. In his historical summary, published when he was seventy-five years old, he charged the 'system' with such errors as the continuance of the struggle with America, the abridgment of liberty, and the vast increase of the debt in Mr. Pitt's days.


These sweeping charges would not have been seasonable if made by Ministers in the face of the House which was asked to improve itself. But it is worth notice that what the Whigs in office could not say was said for them in March 1831 by Mr. O'Connell, though not in concert.

Mr. O'Connell was not merely tribune of the people for Ireland. He was also a British Liberal unrestrained by official caution. Instead of sinking for the time his own unsatisfied wishes, like Mr. Hume the Radical, who simply hugged the Bill in joy, he took occasion to attack the aristocracy for evil deeds not repented of. He picked up the dropped statements of Lord John Russell about the obstinate prodigality of the Liverpool Parliament. Borough-mongers, he said, were to blame for loading the people, which prospered in spite of them, with a debt of eight or nine hundred millions. To show how this burden cramped the nation he pointed to the insurrection of the Poles against Russia. Every true British heart wished them success. But the debt made it impossible to interfere. Britain must look on whilst a despot trampled them in the dust.

This was a good specimen of claptrap, effective and not wholly unsound. The irresponsible person who thus declaimed did well to call upon Englishmen to think of other nations whilst engaged in purging themselves. He was right in upbraiding the aristocracy for jobbery and profuseness ; but the debt had been contracted in a course of national effort, of which the Liberal party was itself a product. Those

true Britons who wished good luck to Poland owed their character mainly to the badly represented, but not stifled, generations which lavished guineas in thrusting the victims of Madame de Pompadour out of Quebec and Madras, in helping the Spanish people and the German people to subdue Napoleon's conscripts.

Declaimers see one thing at a time, and balancing spoils eloquence. Speeches made in debates are for the most part read when they first appear in print, and soon forgotten. If they are spirited they inflame the partizans of the speakers. They are applauded like the incidents of a game or a race. When laid up in volumes they generally disappoint the reader. There are in English literature two sets of speeches which are read for instruction, Mr. Burke's and Lord Macaulay's. Neither of these famous men was suited by temperament for perseverance in the toils of public life. Neither of them could, like Lord John Russell, strain for years against the set of opinion in society, or keep up a dogged resoluteness through a ten hours' debate, and answer just before dawn, point by point, the arguments delivered all night long by relays of cavillers. Much less was either of them fit to rise forty times in one evening, like Lord Althorp, to baffle angry men with unaffected kindness and ingenious men with plain good sense ; or to overpower assailants, as Mr. Stanley did, with fierce and unerring counterstrokes. But they both uttered sentences which partly resembled aphorisms, partly epigrams, which arrested the fancy by unex-



pected charms of language, and satisfied the reason with durable thoughts. On the subject of Parliamentary Reform they have both shed light.

Mr. Burke spoke of it to freeholders of his county in 1780. It was a time of sore perplexity, and he looked to a few Whigs, his friends, to clear it ; but he could not then believe that the maladies of the State could be cured by altering the House of Commons, 'by adding a hundred knights of the shire, and by hurrying election on election.' Yet he did not insist on his own opinion. He said : 'I most heartily wish that the deliberate sense of the kingdom on this great subject should be known. When it is known it *must* be prevalent. It would be dreadful indeed if there were any power in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people. The people may be deceived in the choice of an object. But I can scarcely conceive any choice they can make to be so very mischievous as the existence of any human force capable of resisting it. . . . It will not be [any one's] duty to use any violent or fraudulent means of counteracting the general wish, or even of employing the legal and constructive organ of expressing the people's sense against the sense which they do actually entertain.'

Now the House which, in 1831, was asked to read the Reform Bill was 'constructively,' that is, might be construed or interpreted to be, the organ for expressing the opinion of the people, more truly so than in 1780. In Mr. Burke's best days, when George III.

controlled his Minister, Lord North, the House of Commons was so stuffed with placemen, with men directly, or through patrons, tied to the Crown, that a majority could be procured, by a mixture of force and artifice, for stifling public opinion. In 1831 the House had got to be much more independent of the Crown. By mere growth the aristocracy of families and interests had spread beyond the range of the Crown's influence ; it was so broad and so varied that it might almost be mistaken for the whole of the reading and talking people. Many of the members who had bought seats could afford to defy the Crown ; many who were, like Mr. Macaulay, seated by patrons, were either left free by their patrons or urged by them to go with the people ; and the Crown thus far was with the Reformers. By a little exertion Lord Grey might have got a colourable majority in the Commons for a measure that spared a handful of peers who owned or swayed a score of boroughs. If the Whigs had schemed for a long retention of their offices they would not have let Lord John Russell throw down a Bill which was a challenge to the Lords, and a test of character for the middle classes. It seems certain that they had conceived the idea of first giving the existing Parliament a fair opportunity of proving itself to be the nation's organ, and then, on the first check, submitting the whole question to those primary assemblies of British subjects which, in Mr. Burke's time, induced Lord North's Parliament to demand peace and let the Colonies go free. But they refrained from saying that they wanted, for the people, a better

Legislature. This was said for them by the young orator whom Lord Lansdowne seated at Calne.

Mr. Macaulay, it must be owned, never fathomed either the reason or the sentiment of the rarer kinds of men ; but he dropped his plummet far below such thinkers as Mr. Canning or Lord Brougham. At the age of thirty he had observed the facts of national physiology. His knowledge of his own England, and of the ~~causes why it was what it was~~ in his time, his measurement of England with contemporaneous States and with the one ancient State which can be studied for practical instruction, were analogous to the political philosophy of Mr. Burke ; and his wisdom was brought to bear at the very time when it was wanted, before the audience which it suited, with an adjustment which Mr. Burke never hit upon. He gave in lively and transparent diction a reason for Reform which would not have occurred to Lord Palmerston, which could not be prudently avowed by Lord John Russell, which ought to have pleased the law-maker for whom Reform was opening a pathway, Sir Robert Peel.

From Mr. Macaulay's revised orations it is expedient to quote one passage. After describing the visible signs of the intelligence and energy of Englishmen, such as roads, canals, and manufactories, he said : ' These are the works of the nation. Compare it with the work of the rulers of the nation. Look at the criminal law, at the civil law, at the modes of conveying lands, at the modes of conducting actions. It is by these things that we must judge of our legis-

lators, just as we judge of our manufacturers by the cotton goods and the cutlery which they produce, just as we judge of our engineers by the suspension bridges, the tunnels, the steam carriages which they construct. Is, then, the machinery by which justice is administered framed with the same exquisite skill which is found in other kinds of machinery? Can there be a stronger contrast than that which exists between the beauty, the completeness, the speed, the precision with which every process is performed in our factories, and the awkwardness, the rudeness, the slowness, the uncertainty of the apparatus by which offences are punished and rights vindicated? Look at that series of penal statutes, the most bloody and the most inefficient in the world, at the puerile fictions which make every declaration and every plea unintelligible both to plaintiff and defendant, at the mummery of fines and recoveries, at the chaos of precedents, at the bottomless pit of Chancery. Surely we see the barbarism of the thirteenth century and the highest civilization of the nineteenth century side by side; and we see that the barbarism belongs to the Government and the civilization to the people.'

The charge here brought against Parliament is not that it refuses things that the people demands, nor that it throws cold water on the philanthropists, but that it fails to keep in repair and in working order the machinery of justice. It is too stupid, too frivolous, too weak, for overcoming the costiveness of the legal profession. It has not enough activity of mind to deal with the changes in ethical conceptions about

right and wrong. It keeps up a tangle of procedures mainly for the good of lawyers, who are too strong for it to cope with. On a review of the borough-mongering generations one is tempted to say that it would have been better for Englishmen had Parliament met every tenth year than every year. For if the judges had been left to themselves for nine years there might have been, as in the reign of Charles I., an accumulation of grievances heavy enough to carry the sophists of the law off their legs. Parliament sitting every spring with a show of accessibility, with an inexhaustible stock of polite indolence by the Lower House and of garrulous conceit in the Upper House, made it impossible for a judge to invent a new writ for satisfying a new want, because it professed to keep the statute book as a running stream, and at the same time frustrated the patient toil of those who were for meeting new questions by new laws. Unless the Commons became more earnest and the law lords more modest, even a Peel, much more a Romilly, was sure to be tired out. The cry for Reform was made up of several ejaculations ; of these the one that still echoes most clearly is a demand for a rational system of private law. Yet at the time this demand was uttered less loudly than others.


XXXI.

THE debate which has been examined took up seven nights. It was reported by eager and intelligent

writers who had no leave formally given them to note or to publish, much less any seats or tables provided for them ; their labours were great, because nine nights out of fourteen were taken up with speeches which the buyers of newspapers, a host daily increasing, were anxious to read at full length.¹ This week may be reckoned as the first term in the education of very many Englishmen in politics. The fine artifice of representation, on which all minds were employed, seemed in a fair way to be superseded, since the readers felt that they too were councillors, and their decisions expressed in petitions were made known by the same journals that communicated the arguments delivered in Parliament. A proficient in the art of shorthand, after struggling in the House of Commons for elbow-room, had to hurry in a post-chaise to a meeting in a town, and write out his notes on the way back, as he was rattling over the turnpike-road. It took but a day to travel two hundred miles ; and within that distance of London there were scores of towns which, whether they had members or not, had spokesmen who deserved the attention of journalists. A coach scattering handbills on the way, and stopping some forty times to deliver letters, would bring news and topics not more than two days old to the earnest cities of Scotland.

If a vote had been taken on March 9, it would

¹ It was computed that ten reporters were wanted for every morning newspaper, at a cost of 3,000*l.* a year. A copy of a newspaper brought twenty miles out of London by express, before expresses went by steam, was bought for a shilling.



have been a vote taken not as in Mr. Canning's days, with lofty disdain for provincial and vulgar talkers, but under some stress of valued opinion made known through private letters and printed records to the sojourners in London who had spent the winter in the country, and had found the country unusually lively. But there was time given for much more than this. It had been agreed between Lord Althorp and Sir Robert Peel that there should be a pause after the long debate, and that members should do no more than shout Aye or No, on the question whether the Minister should be allowed to bring the Bill in ; they were not to be numbered till the Bill was brought up to be read a second time.

A third week passed before determining whether the existing assembly was to attempt the cure of its own deformity. Meanwhile there was peaceful but serious thinking to be gone through by those who could turn the scale in the House of Commons.

Suppose a rich and educated gentleman had come of age in one of those years in which nearly all gentlemen believed that there was no safety outside the range of Mr. Pitt's authority ; that he had settled in the country when armed yeomen had to defend machinery against handicraftsmen ; that he had always desired to maintain the structure of society and yet to get some good work done for which society made no provision ; suppose that he looked to the Established Church for goodness of habit and routine, and to voluntary association for the undoing of great wrongs, such as slavery ; suppose that he had seen

some improvement effected, not by legislation, but by enterprise which the law did not forbid, and through agencies which the Government at least protected ; suppose him to know distant lands by travel and by hearsay ; to be, in his fatherhood, eager for the expansion of trades and professions, and yet, as a life-tenant of broad lands, afraid of doctrines that would imperil rent—was such a man to vote for opening a way to those who asked for the franchise, and in the same breath asked for the abolition of tithes and of the corn-tax ?

The later age which has witnessed the consequences of Reform, and has bred thousands of Conservatives who have never doubted that Reform was right, has not produced county members more generous, more conscientious, more pure of heart than the best of the county members who, in the month of March 1831, made up their minds to vote, not without misgivings, for the Bill. Their education did not enable them to make a comprehensive forecast of the many great changes that were to follow ; they were not acquainted with the statistics and theories from which a long series of Acts of Parliament was soon to be unrolled ; they had not heard the names of the men then rising on the wave of liberty, who, not sharing their religious creed, would vie with them in bettering the world. But they were accessible to their neighbours, and accustomed to confer with them ; and when they found that in every parish there were solid and spirited men joyfully clamouring for that which was to give them

more partners in civic business, they perceived that there was less danger than was at first apprehended. Many obscure members for little places underwent conversion without being much noticed. Two or three knights of the shires have been named, on account of their own high character no less than for the sake of their counties, such as Mr. Wilson-Patten, who sat for Lancashire, that is, for a huge mass of busy people with whom boroughs were far too scarce; Sir Andrew Agnew, who dwelt in the south-west corner of Scotland, and was famous for zeal in enforcing the observance of Sunday; and Sir Thomas Acland, who came from Devonshire, and was a staunch ally of the best clergymen.

Men who change their minds in favour of Ministers are exposed to taunts; and it seems weak to go with the flood-tide of popular feeling. But the Ministers had, in the debate, supported the better argument; and the discovery of the people's suddenly matured passion for Reform affected the imagination with more influence on the will than could be exerted by any argument addressed to the understanding.


The design had been kept secret up to the last; it went beyond expectation in its breadth and completeness; it came like a free gift. Therefore it was more like the discovery of a new continent than the proposal of an invasion; and a man who would have been forbidden by pride to yield to a demand could welcome the rejoicing innovators with an early and gracious assent. Those who yielded at this stage

could not be accused of timidity, because the people's joy was free from taint of menace.

The Bill was either to be read a second time or thrown out in the third week of March, before the legislators dispersed for their holiday, which no Bill could tempt them to forego. There was a second short debate. Lord Duncannon and Mr. Ellice, the shepherds of the ministerial flock, counted their heads as closely as if the fate of the Ministry depended on the vote, though they knew that an adverse vote would be the signal not for a new Ministry's, but for a new Parliament's, formation. After all inquiries it was still uncertain how many were staying away without agreeing to neutralize others by 'pairing off.' No one could tell exactly how many would come in time to vote. When the question was put the opponents of the Ministers went off to be counted in a room called a lobby ; the friends of Reform remained in the assembly hall, and, being crowded on their own side, spread over to the benches just vacated, and perceived that, left to themselves, they looked like a full House. Some said they were only two hundred and fifty ; the most sanguine said they were three hundred ; and, if so, they could not be heavily beaten. No true Briton or Irishman could help sharing the thrill and flutter of suspense in this unprecedented combat. Men of pleasure, who had year after year lounged and smiled in that room ; sportsmen, who had never before felt, at night, under a roof, the hushed expectancy of the racecourse or the covert-side ; men of letters, by whom the glow of strife

and comradeship had been hitherto imagined rather than felt, stood up stretching out their heads for the counting and repeating the numbers with the 'tellers,' till, beyond the best hope, they closed on three hundred and two. Then the tellers for the Ministry retired to make up their report for the Speaker. Presently the Opposition streamed back, not announcing what they knew of their own strength. As they passed in, a second wave of passionate doubt swelled the hearts of the Reformers, as it happens when two horses seem to pass one another in alternate strides. Who was there that could keep his head and number the adversaries as they came, in twos and threes, through the door? To do this correctly, so as to anticipate the report of the tellers, would be something to be proud of. Mr. Charles Wood, from the West Riding, a tall man, who knew how to rise in his stirrups and proclaim the finding of a fox, jumped on a chair close to the door, where he had stood to count, and shouted: 'They are three hundred and one.' Reform had 'won by a head.' Lord John Russell, perhaps the shortest man in the House, remembered long after how one member, at least, threw his hat in the air. The cheering and the shaking of hands were so vehement that it seemed as if a besieged town had heard the trumpets of the relieving force, or a ship on which a thousand eyes were strained had just rounded the head of a pier and escaped from a storm.

The two parties made a lane for Lord Duncannon to walk up to the Speaker with his paper; it is the



teller of the majority who takes precedence in this reporting. No strangers were present. But the winners hastened to give the tidings to their fellow-countrymen who were waiting outside the House, and in the excitement they let them think that the Bill was carried, though fifteen months were to pass before Reform was commanded by law.

The victory was important in affecting the imaginative or passionate side of the people's character. When examined coldly it was seen to be insufficient for the security of Government about passing the Bill. Had the other scale been depressed, there would have been an appeal made to the country, sooner than it was actually made.

Since the Bill was read a second time it was, of course, to be discussed, clause by clause, by the whole House sitting in Committee ; but not immediately. The British Parliament, although generally ready to pass at the utmost speed such administrative Bills as are seen to be necessary in emergencies, and are urgently demanded by Ministers, abhors anything like haste in organic legislation. It was in this case especially desirable that a considerable interval should be allowed, and both parties reckoned on profiting by the leisure of the Easter holidays. It gave an opportunity to Trimmers ; they neglected it. It gave the Tories time to choose the most vulnerable part of the measure ; they chose sagaciously ; they demurred to the lessening of the number of members.

In destroying sham boroughs Lord John Russell had gone great lengths ; in adding members to

counties he had been parsimonious. According to his first plan there were to be fewer members by sixty-two. This was so far reasonable that it brought the House down below six hundred, which was, after all, a mighty crowd for a room that a man's voice could fill. The actual number, six hundred and fifty-eight, was one of the many chance things that the genius of England turned into things permanent and almost immutable. A systematic framer of constitutions would allow for growth of the body politic, and therefore try to keep down the numbers.

The recent bargain made with the Irish Legislature seemed to forbid the reduction of members for Irish places ; and, with all their abhorrence of symmetry the ordinary statesmen agreed roughly in trying to adjust the representation of the two islands to their population or their wealth. If Ireland must have a hundred members, Britain must have, thought the Whigs, five hundred. Whereas the Tories said that Britain had a right to more than five times as many votes as Ireland.

The Tories could not bear to apply proportion to the two parts of England, north and south of the Trent, or to the whole of England and the whole of Scotland. Sir Robert Peel argued earnestly against strengthening the northern half of England by destroying the little boroughs of the southern regions. Mr. Baring, in Opposition, said to the Whigs : ' You are giving to the coal-field what you take from the harley-field.'

On the principle of proportion it was clearly



right to strengthen the iron and steam regions into which southerners were migrating, and to weaken such counties as Wilts and Devon, which had lost their manufactures for want of cheap coal. This principle was taken up and dropped alternately by the Tories. When taken up in April 1831, by General Gascoyne, one of the members for Liverpool, it was used as a cudgel for beating Ireland, which was still regarded as a half-alien confederate rather than as a geographical extension of the kingdom. It may be surmised that Liverpool judged Ireland then, as in later days, by the samples of Irishmen to be found on her quays and in her cellars ; and that the Protestants of the rich town, indulging their dislike of Papists, forgot that out of a hundred Irish Members of Parliament, at least a third might be reckoned on for a more inveterate dislike of Papists.

General Gascoyne said that it was unfair to give, as the Whigs proposed, five new members to the Irish at the expense of England ; that Ireland, which at the Union had less than half as many people as England, and paid one pound in taxes where England paid seven, and had then agreed to have a hundred members whilst England had more than five hundred, had in the ensuing thirty years become so populous, and relatively so poor, that it was far from earning by its contributions the proposed addition of five members ; that the hundred habitually voted together against any proposal that tended to equalize taxation between the two countries, and the hundred and five would do the same ; therefore England must

not part with any members. He objected also to any increase of the Scottish representation on similar grounds ; but he soon dropped Scotland, and went on to show that the united Irish vote might be wielded by Ministers dangerously. He said for himself, what he could not have said for the party with which he was in concert, that he did not object to the disfranchisement of English boroughs if their franchise was given to other places in England.

This opposition had already been half allayed by Lord John Russell, for he had modified his Bill, and allotted half the spare seats to counties and towns not so treated on March 1. But he left it to Mr. Stanley to give the combative answer which was necessary for showing the firm resolve of the Ministry to lay their own measure, without compromise, before the nation. Mr. Stanley used some arguments which served the occasion honestly, others which were to survive in general policy. Of the first set, the most noticeable is his denial that the representation of England was by the Bill to be diminished ; the venal boroughs, he said, did not represent England, although situated therein ; they could be, and were, purchased and hired by Irishmen and Scotsmen as well as Englishmen. Of the second, or more durable set of thoughts, there was one which came most fitly from him, because he was then the master of Ireland. He said that it was better not to talk of the balance of countries ; they were all one country. If he saw a big town in the kingdom, he did not care whether it was in this or that of the islands ; it should be repre-

sented anyhow. This downright language was the best possible support of the menaced Union, and the most respectful, because the plainest and simplest, treatment of the unstable island.

Mr. Holmes, the manager of divisions for the Tories, told an adversary, before the debate was over, that he had a majority of eight ready ; and he was right. The Ministers mustered for the division on April 19 only two hundred and ninety-one, having lost eleven supporters since March 22. The Tories were two hundred and ninety-nine, or two less than before.

The victors, it is said, were confident that the Ministers would go out of office, since it was evidently useless to go on with the Bill. But there was an alternative course. They could let the Bill alone, without saying what they meant to do. They could go on laying their estimates of expenditure before the House of Commons, and asking for money. When provided with money enough to pay wages for a few months, they would be free to govern for some weeks without the help of Parliament, waiting for the election of a new House of Commons and a new set of representative Scottish peers. But to carry out this plan they must obtain the King's consent to a dissolution.

Up to April 20 the King had been kept waiting for the grant of income to himself and his wife ; kept, in fact, on good behaviour, by the fear of further clipping and pinching. He was enjoying the applause of the people, who gave him credit for being what his

imperfect mental structure prevented him from being, a steadfast Reformer. He appears, or is at least believed, to have oscillated between the wish to be caressed by all the world in the streets, and the wish to be on good terms with the bulk of 'society,' with the people who thronged his palaces, with the best known and noisiest of the Peers.

The Peers were going to address the King with a protest against dissolving. The Tories, by a majority of twenty-two, adjourned the House of Commons, so as to delay the granting of money till the Peers should have played their part. Lord Eldon told them that a dissolution would be impossible by the Constitution, as soon as the Peers addressed the Crown against it.

A king is often at the mercy of the last speaker ; and, if he can be caught and detained for a few hours, just to let his name or his voice be used, a stroke of State is dealt by the last speaker against the last but one. To dissolve the English Parliament two documents are required : a ' King's speech,' which any politician can write in an hour, which some politicians could, if allowed, speak offhand ; and a Commission stamped with the Great Seal, empowering four or five Peers to lay the King's speech before the two Houses assembled in one room, and to tell them that they are not to meet again. But if the Monarch himself goes to the Palace of Westminster, instead of sending Commissioners, it is necessary to order a state carriage and a troop of armed horsemen. The carriage is obtained from the Master of the Horse, who is a nobleman of the same politics as the Cabinet.

Earl Grey and Lord Brougham, just before noon, April 22, within a few hours after the second Tory victory, had an interview with the King, and adroitly led him into the belief that the Lords and the Commons were disputing his right to dissolve Parliament; they asked him to go to the House of Lords to read his speech himself, and to break up the Parliament. He had no time to consult his family; no Tory peer could get at him. He was excited, like a sea-captain in a mutiny. Lord Brougham flattered him, as courtiers long ago may have flattered Queen Elizabeth, by affecting to be penitent for having been presumptuous. He enjoyed being King, when so clever a subject owned that he had taken the liberty of anticipating his orders for going to the Parliament House. Lord Durham was waiting to be the messenger. As soon as the King decided to do his servants' bidding, the messenger hurried off to the Master of the Horse, the Earl of Albemarle, found him at breakfast,¹ and told him that the King wanted the gilt coach, with the eight cream-coloured horses. The House of Lords was to meet at two o'clock, expressly to address the King against dissolving; and, when the Lord Privy Seal was tearing the Master of the Horse from his meal, the Keeper of the Great Seal, or Lord Chancellor, was getting ready to take his place on the woolsack as President of the Peers. Impatient as the King was to get at those who disputed his prerogative, it was part of the ceremony that the horses should walk. But they were scared by the

¹ A very late breakfast.

'colour,' or flag, of the Guards, which the ensign duly lowered as the royal equipage passed the 'guard of honour,' and they broke into a trot, whilst their driver broke into a loud execration. Another part of the ceremony was the firing of cannon to warn all men of the King's coming. On hearing the first gun, Sir Henry Hardinge, soldier and member of Parliament, said, in his haste, to a Whig: 'The next time these guns are fired they will be shotted.'

In both Houses there was declaiming and turmoil as the moment of dissolution came near, and the most furious of all those who struggled to hinder the stroke of State was heard to say that 'the Ministers were conspiring together against the safety of the State, and making the Sovereign the instrument of his own destruction.' The speech was read nevertheless, and the brief Session was closed.

The promptitude of this act is remarkable, since it was not the act of one man, nor of any set of men, whose tone of mind was imperious. It was a nicely-timed operation, without trickery. The secrecy maintained up to the last hour was free from dissembling. The peremptory muzzling of the Peers was a wholesome warning to them; yet their authority was less impaired by the interdict than it would have been by disdainfully silent acceptance of an Address praying the King not to dissolve. It was the first time since the proclamation of George I. that the Whigs had wielded the sceptre brilliantly; their showy and scenic performance gratified the people's imagination.

The only argument against the dissolution was Sir

Robert Peel's. He pointed out that the Act under which the Ministers had power to break up unlawful associations in Ireland ceased to be law when the existing Parliament ceased, and that they could not keep the peace in Ireland, with the ordinary power of the law, during the two months which must elapse before they would get a renewal of extraordinary power from another Parliament. Lord Lyndhurst said to Lord John Russell that there was sure to be an insurrection in Ireland. Lord John Russell left him to the unchallenged enjoyment of his prophecy, having been assured by Mr. O'Connell that there would be no rising. It seems strange that men so enlightened as Sir Robert Peel and Lord Lyndhurst should have thought a general election likely to coincide with, or to cause, anything worse than such rioting as the Riot Act was sufficient to restrain.

XXXII.

WHEN dismissed, the Commons had done nothing arbitrary or unhandsome. 'We are dismissed,' said one, 'because we refuse to diminish the number of English representatives.' 'We are wrongly accused,' said others, 'of having stopped the supplies.' Sir Robert Peel, to the dismay of Sir Charles Wetherell, had recognized the expediency of partial or moderate Reform. General Gascoyne had expressed his assent to the proposed abolition of false seats, and he had

been for thirty years a representative of prosperous merchants. Lord Wharncliffe, with solid support, had been trying to avert what he thought excessive change, and was in a fair way towards forming a middle party. If the well-bred sojourners in London then assembled for 'the season,' had been polled, they would have declared in favour of a Wharncliffe Ministry, less inflexible than the Duke of Wellington. In the country also there were many good citizens who thought to avert revolution and assuage discontent by 'moderate Reform.' In some towns lists were taken from house to house, on which the heads of families inscribed themselves as Reformers, or Anti-Reformers, or Moderate Reformers. The middle opinion was sure to be crushed in the general election, sure also to grow and blossom, with a variation, in the course of a few years.

The general election, although clogged with the secret bargainings of borough-mongers, was one of those regular party fights in which Englishmen had long taken delight. No party struggle was ever fought out on a simpler issue. The Whigs, and those Radicals who were versed in politics, became for the time one host, all equally determined to take power away from the House of Lords. The agents of the Treasury spent money, given chiefly by Whig lords, to buy up proprietary boroughs, and to put Reformers into the seats for one more turn before the seats were destroyed.¹ Where money was not wanted and

¹ There were two boroughs in the Isle of Wight belonging to a young lady. Her guardian, who was executor to her father's will, sold them to

influence sufficed, the patrons exerted themselves resolutely for the good cause. Earl Fitzwilliam, for instance, turned out of his borough, Malton, Sir James Scarlett, the barrister, whose conversion to Toryism he had in the previous election tolerated. If the price of borough nominations rose, on the other hand less money was wanted for the counties ; for there were fewer contests ; from most of the shires the Tories withdrew before polling.¹

It is credible, although it cannot be proved, that in all places in England which admitted of real contest, the people who had no votes, stirred by the wish to get the franchise, or by the more vague hope of bettering their condition, thrust their opinion on many quiet voters, who would have been ready in ordinary times to support safe men averse to change. In Scotland this was distinctly perceptible ; for, although the influence of official persons was exerted for Ministers with some vigour, it could not, by itself, account for the return of twenty-four Reformers out of forty-five members ; this result was obtained in part by the action of popular opinion brought to bear, sometimes rudely and fiercely, on the very few voters of the burghs and the shires.² The more the

the Treasury ; this made a difference of eight votes in a division. As the family had been against Reform, it seems that the Treasury took advantage of the guardian's being a Whig to make a secret bargain ; to give the young lady fair play the property should have been advertised.

¹ Mr. Croker tried to make out that the majority of voters, when all polls throughout the country were summed up, was trifling, only thirty-six thousand ; he either forgot, or hoped his hearers would forget, that the numbers at polls were unusually few, because contests were few.

² Of the representatives chosen by the Scottish peers for this Parliament four were Reformers. Their election was hardly less democratic than most of the elections for the counties of Scotland.

Tories inveighed against this coercion of voters, the better was the plea for the Bill. The Scottish rioters, and those Englishmen who, without so much violence, beset their privileged neighbours with taunt or entreaty, were for the most part reasonably impatient of exclusion from citizenship. A liberal enlargement was the only possible device for enlisting these claimants on the side of order. Even in the most Liberal State there must always be a residue of able-bodied men and women who, having no suffrage, will be clamorous in times of excitement. To make this residue as small as possible is the business of prudent lawgivers. Poor voters are less dangerous than poor men and women who, not being voters, see their neighbours voting.


When the Bill, somewhat amended, and also justified by new statistics of wealth and taxes, was offered to the new assembly, the two parties forthwith tried their strength ; and again about six hundred members were counted as present, of whom three hundred and sixty-seven were for the Bill ; so that the Ministers had gained sixty-five new supporters. Being at least three to two they were sure to carry the Bill up to the Lords ; and, according to the notions and customs of later times, they would have expected the Lords to be content with mere amendment of clauses. But in 1831 it had not become part of the traditional practice or 'constitution,' that the Upper House should give way to two-thirds or to three-fifths of the Lower House, even directly after a general election. The more stubborn the resistance in the Lower, the

greater would be the courage of the Upper House. Mr. Croker and his allies, who were determined to spend the summer in wrangling about every borough, were to be the outposts of the main defence.

Whilst this slow siege was going on, the Peers had nothing to do. Till October they had no opportunity of ascertaining how many of their own order could be relied on for their own battle. It was certain that they had to deal with a powerful minority of Whig reforming Peers. In old times they could have looked to the Court for diminishing this Liberal force by blandishments and frowns.

On King William IV. no one could reckon either way with security. For about a year he held the place taken in old politics by 'Waverers' or 'Trim-mers.' He was not timid; he was not very weak; the uncertainty about his ultimate intentions was fatiguing, but not exasperating. In May, before the elections were over, he showed his regard for Lord Grey by making him a Knight of the Garter, although there was no vacancy in the Order. He opened Parliament in June very heartily.

The Cabinet was strengthened and adorned by the admission of Lord John Russell and Mr. Stanley. Each of them sat for a great county; no one could deny that they, with Lord Althorp and Sir James Graham, were freely and deliberately chosen by multitudes of good British subjects. Mr. Goulburn, chosen after a poll by the University of Cambridge, was the only member for a considerable body of electors that had been high in office and opposed Reform. Driven out



of the counties, deprived of some spirited young noblemen, and, for the time, at least, of some pugnacious lawyers, reinforced by no young men of promise, the Tories made the most of their remnants.¹ Mr. Croker, who had resolved to have done with Parliament if it submitted to the outrage of reconstruction, fought like a badger driven into a ditch ; and two heirs of peerages, Lord Maitland and Lord Chandos, delivered single strokes dexterously in the prolonged combat. There was more acrimony than men of that generation were used to, but reviling was checked by the consciousness that it would bring on hostile messages, and the choice between apologies or pistols. Although in the Palace of Westminster there were short conversations between Whigs and Tories, they hardly met at dinner-parties, never in country houses, or in the suburban retreats in which men tried to cool themselves for two out of seven days. They gave up tours and shooting ; from Midsummer to October the town was inhabited by fashionable people. The Asiatic pestilence was drawing near ; the news came that it had killed personages as high as a famous Russian general ; ships of war were anchored at the mouth of the Thames to guard against the contagion ; but the Coronation diverted the thoughts of the more frivolous, whilst the more earnest were watching from day to day how oligarchy was pushed from borough to borough.

The delay, tiresome as it was, might have been

¹ In the *Greville Memoirs* it is said that in this election there was an actual dearth of Tory candidates, which is hard to imagine.

indefinitely prolonged, had the Ministers admitted that there were persons, real or fictitious, whose property was jeopardised, and who had therefore a right to plead before the Committee as in a court of law; in other words, 'to be heard by counsel.' Whole generations of barristers might have found employment on this pleading; there would be no limit to the process except the difficulty of paying fees. Parliament would have run to the end of its seven years before the boroughs, treated as suitors, had been disposed of, and the whole business would have begun again with the next Parliament. Enough was done for the Bar by the Reform Bill: there was already a swarm of Commissioners employed, at the expense of taxpayers, on the stupid task of tracing boundaries for boroughs. It was, of course, evident that the boroughs ought to employ their own burgesses as their advocates. They had to assert their vitality, and if they were really worth keeping, they surely must have been choosing as their representatives men competent to plead for them. Lord Maitland did all that could be done for injured Appleby. As his request, that witnesses should be examined about the statistics of Appleby, was negatived before the Committee took the place of the House, his friends, against the opinion of Sir Robert Peel, would not consent to the House 'going into Committee' at all. It could not change its character unless the regular President ceased to preside. When the House veiled its majesty, and broke into conversation, the august President, who bore the name of Speaker,

because he had now and then to speak for the House to the King, gave up the chair to an inferior functionary called Chairman of Committee. Now this transference could not be effected unless some member proposed it, and when it was proposed any single member could hinder it by demanding a vote, a process since called 'obstruction.' There were two ways of hindering business which could be worked alternately. This game was played by about a hundred defenders of the Constitution during a summer night and morning. The Speaker, a Tory, who had been elected unanimously, was in a fainting state before his friends released him from his throne. At seven o'clock in the morning a member, fresh from bed, came to the House to put down his name in a list, and to get precedence for bringing forward in that day's sitting a petition on which he meant to speak. He looked astonished on opening the door, and finding the room full, the clerks at the table, the Speaker and his mace. The Tories fancied that he was the first of a relay of Whigs, coming to relieve the two hundred who had been all night trying to release the Speaker and begin business ; either this alarm, or the laugh which the new arrival caused, put an end to the vigil ; and at half-past seven the House became a Committee, and the Committee reported that it had sat and done nothing ; and the House became itself again, and adjourned till three of the afternoon.

The Tories thus set an example of frowardness which, although venial compared with similar performances of later times and less highbred factions,

lowered them in public opinion and disjoined their machinery.

Lord Althorp was all the more liked for the firmness with which he had encountered Lord Maitland and for keeping his temper so many hours ; but such fatigues could not but abridge his valued life. He had a colleague, in Northamptonshire, brought suddenly to his side by a spontaneous call from the freeholders, Lord Milton, of the house of Wentworth ; he, too, was a thorn in his side. When the two schedules of stigmatized boroughs were exhausted, Lord Milton, with untimely display of zeal for Reform, obstructed the Bill by moving amendments about the borough suffrage. These proposals the Leader of the House was bound to resist. The discipline of party prevailed over juvenile impetuosity. Lord Milton went out of London, not in wrath, but in good-natured submission to the advice of his superiors ; he could not sit still and vote against his own theory, but he could stay in the country till the suffrage was settled ; his vote could be spared. Wentworth House contains an unique portrait of a certain member of Parliament, whose strong will broke against the old liberties ; Lord Strafford seems to have left his courage to his kinsfolk without his tyrannous pride.

The Grenvilles had been a governing family for seventy years, capped by the Dukedom of Buckingham ; the heir apparent of this Dukedom was called, by courtesy, Marquis of Chandos. To any one who wished, for the good of the country, that there should



continue to be two sets of noblemen vying with each other and leading the politicians, it was gratifying that this Tory, bred in a Liberal tradition, took part skilfully and effectively in the construction of the new representative system. He alone of the Tories succeeded in altering the Bill; and the alteration, although not deduced from a broad theory, was sufficiently rational to hold good for one generation.

The English knights of the shire were almost unanimous for the Bill, and formed the pith of the reforming stock. Whilst eminently public spirited, and free from jealousy of traders, they could not help feeling as landholders. The landed interest, artificially supported by the Corn Laws, was parting with a good deal of legislative power. The counties were to have many more members; many towns were taken out of them; non-residents were still to vote for counties, so that gentlemen would have many votes; all this was no doubt a set-off against the concession made to towns, yet there was some uneasiness felt by the squires. In the shifting of burdens it must needs be that trade and manufactures should some day encroach upon the securities devised by policy for those whose incomes flowed from the rent of land; and, although the controversy was hushed by louder cries, the petitions for Reform sometimes mentioned the Corn Laws as ulterior objects of attack. The forty-shilling freeholders of small towns and villages were likely to agree in politics rather with the traders than with the landholders. A counterpoise was desired; it was found in the enfranchisement of farmers

who were not secured in their tenure against the power of landlords to displace them ; they were called tenants at will. Of these farmers few had much capital ; most of them seemed to belong to the squires, as half servants, half partners, rather than to contract with the squires on terms of mutual obligation.¹ Although there was an intermittent cry of agricultural distress, loud enough to prove that the Corn Laws of 1815, though since amended, had failed to give comfort, yet the competitive demand for farms, which in the war time had been stimulated by unusual profits, still prevailed so far as to make many humble farmers feel that their landlords, in letting them occupy, were granting favours. If such men had the suffrage, they would probably vote on the same side as their landlords, and the counties would be fastened to the agricultural interest more tightly.

The Marquis of Chandos proposed that, besides freeholders, copyholders, and farmers with long leases, other men holding lands from year to year, with or without written agreements, paying fifty pounds rent at least, should have votes for counties. This proposal was supported by a certain number of county members who were Reformers, and it was carried without much debate. It was, no doubt, different from the Ministerial proposals, in so far as it did not carry on its face a show of impartiality. It looked like an

¹ Money rent is a refinement on produce rent, and produce rent is a simpler substitute for the quasi-partnership of the lord and the *métayer*. A *métayer*, who may still be found flourishing in some European regions, does not own the cattle that live on his farm and on the waste land ; he may be said to hire with the land the quadrupeds required for farming it.

arrangement for strengthening a particular class. Radicals, then and afterwards, said that it marred the Bill. For some years the fifty-pound tenants voted steadily with their landlords; and in the warmer disputes about taxes they enabled the less intelligent squires to stand out against the reasoners. In a later time, when the squires were as free from prejudice as other gentlemen, the tenants at will also began to perceive that they had power in legislation; and they exacted from the country gentlemen a good deal of cajolery and indulgence. Should the time ever arrive in which farmers generally believed that they conferred favours on landholders by taking farms, the successors of the Marquis of Chandos would either regret that he set the example of giving the suffrage to the class, or rejoice that the class was diluted by subsequent Tories.¹

¹ Mr. Roebuck, a Radical in 1831, wrote in 1852: 'We may live to see the day in which the tenant farmers are placed in direct opposition to the owners of the soil, and sending representatives to Parliament pledged to promote the interests of the farmer as distinct from those of the landlord. So soon as the tenant farmer looks upon himself simply as a capitalist, employing money upon land for purposes of profit, he will discover that the circumstances upon which his success depends are not those which ensure to the landlords high rents, and that the legislation which gives a monopoly to the owner of the soil is not that which is most beneficial to him who tills it.'

The circumstances on which the tenant's success depends include conveniences of place, such as proximity to markets, 'viability,' or a good supply of roads, soil fertile by nature and made better by what has been done for it. The owner of a farm has a 'natural' right to take advantage of these circumstances, whether he has inherited or bought the farm. Those who see these conveniences, and wish to use them in the hope of profit, naturally compete for the use and pay for the use; this payment is as natural as the hire of a machine, or the hire of money (usury). The greater the hope of profit, after putting some capital and some skill into the used land, the more is it worth a man's while to bid for the use.

The sum of fifty pounds seems high in relation to the ten pounds of the borough voter. But a tenant farmer paying fifty pounds rent was generally as embarrassed and needy as a retailer paying ten pounds ; more so than an artizan with the same rent. He was, however, far less likely to take a bribe ; for he came near, in social station, to the small freeholder. The class of tenant farmers was increasing, because, as education spread, men discovered that, if they had any capital, they could make more of it by trading, or by lending to traders, or by tilling hired fields with the use of hired buildings, than by shutting it up in the ownership of land. Small freeholds were beginning to merge in big estates, which were divided amongst rent-paying farmers. But, though the class of tenant farmers increased, farms were thrown together ; and the peasants whose rents were as low as fifty pounds began in most counties to disappear, either by emigration beyond sea, or by going into towns, just at the time when the Chandos franchise came into play. Still it was amusing to see these

When he gets it he has the so-called monopoly transferred to him. If, for instance, he grows broccoli at Penzance, liquorice at Pontefract, or three crops of potatoes a year in Jersey, he enjoys advantages over other growers of vegetables, and he pays for them, just as a shopkeeper pays for the use of a house in a much frequented street, or the South Sea speculator paid for the use of the hunchback on whom he wrote his application for scrip.

It is not easy to imagine what monopoly the owner of the soil was getting from legislation when Mr. Roebuck published this heretical passage, which spoils his prophecy about tenants. The only 'monopoly' which legislation in England could take from landowners was that which, if taken, must have been given to others—that which nature has created by limiting space. No man, no class, has been allowed by English legislation to engross soil.

politicians, who shuddered at the grant of power to discontented and shabby townsmen, themselves offering the franchise to tillers of the soil who had to work in the fields and could not sign their names.

The Tories weakened themselves in public opinion by an inconsistency much more glaring than their variations about the extension of the suffrage. They blew hot and cold in speaking of the people's behaviour. When the people exulted, they said that violence was let loose to swamp judgment. When the people ceased to exult, they said there was a 'reaction.'

It was a foolish custom of the day to express political feeling by lighting up windows. In the war time gentlemen of prudent habits, dwelling in towns, used to buy, as part of their necessary furniture, a stock of small coloured glass lamps; and their bedrooms smelt of oil whenever a victory was announced. In the Reform times every division in the House of Commons was treated by frivolous people as an occasion for triumphing over the borough-mongers¹ with a feast of lamps and dips, by mischievous people as an occasion for breaking the windows of any brave man who gloried in preferring the losing cause and had no outside shutters.² The enforcing of illumi-


¹ This word had soon passed into common parlance. A coachman, laying his whip across a stumbling horse, was heard to say, 'Get up, you borough-mongering rascal!'

² Among the brave men then in London may be reckoned General Alava, the Spaniard; he was with his friend, the Duke of Wellington, inside a carriage when people in the street howled at the Duke. He put his head out of the carriage window and exclaimed, 'I also am a Tory and an Anti-Reformer, and I glorify myself in it.' The Duke is said to have spent 150*l.* on putting up iron shutters, after his windows were broken.

nation in London was justly called mob tyranny. In country towns the lads who ran down a street with a blazing tar barrel lifted above their heads were looked at by shrinking ladies as revolutionists. All this folly was left, on constitutional principles, to be dealt with by the mayors ; and if a mayor was known to be weak, as he was apt to be before corporations were reformed, still it was against British principles to admonish him. Yet the Whig Ministers were twitted with allowing these disorders. Lamps and windows were under discussion in the House of Lords when the French troops were invading Belgium. It looks as if some Tories honestly believed that the people who broke unilluminated windows were all of them ten-pound householders, and that their freaks were suggested by Lord Brougham, if not by Lord Lansdowne. On the other hand, it seemed to be expected of all Reformers that they must prove their zeal from March to Michaelmas by a sustained petition, or else it was 'a hollow cry.'

XXXIII.

THE harvest was ending when the Bill was getting out of Mr. Croker's reach, and the producers of wealth began again all over the country to give a weekly if not a daily thought to the Constitution, when the London politicians were asking each other what the Lords would do. Mr. Macaulay, the best interpreter of the Whig policy, asked this question privately of



his patron, Lord Lansdowne : ‘ What will the Ministers do if the Lords reject the Bill ? ’ Lord Lansdowne answered that they would give up their places. Mr. Macaulay held that no other Ministers would have authority with the nation.

At this point it is convenient to show how the pathways of English Liberals diverge. Of the men who desire political justice some are, and others are not, guided by political affection. An absolute Reformer might say, might even think, that he did not care whether the Lords did or did not throw out the Bill ; whether Lord Grey did, or did not, go out of the Treasury. He would not care, because he would be sure that the good cause must prevail. Resistance would cause delay, and probably conflict ; so much the more decisive would be the victory of the people. If Lord Grey resigned, Sir Robert Peel, or some one else, would try, like the Stuarts, to bridle the nation, and would fall heavily. If the House of Lords fell, it would rid the nation of anomalies ; a better Senate would be formed.

This lofty and hard indifference to persons is observed in absolute thinkers. There were such thinkers in Britain, perhaps in Parliament, perhaps even in the House of Lords. But this way of thinking is less British than Roman, less Roman than French. It is a way of thinking favourable to temporary anarchy and temporary coercion. But it can be indulged with some safety in a country in which family influence and tradition are very strong. In Britain it has been indulged without even doing mis-

chief, because Britain has been possessed, not only by a network of durable families, but by rich families which have been superior to the people generally in courage. But in the years of Reform there was also a great body of able men impelled for the time by a political desire which gave them a temper not wholly unlike the temper of the Roman reformers who assailed and shook the Senate, or of the Frenchmen who have more than once seized power after the overthrow of parliamentary government. And there were also Reformers who were coldly disdainful in their habit of thinking about forms of government, who would, out of sheer intellectual pride, look on with indifference, and see the rival sets of noblemen pushing each other out of office.


The true Whig, even if born and bred in a household that has no connection with the aristocracy and no recollection of ancestors that have served the State, is moved in politics by affection, and cannot bear to see the line of Liberal gentlemen broken.¹ He had rather have an imperfect law framed by a council whose primary business is to govern, than a perfect law framed by sages, or saints, or tribunes, who have obtained a brief ascendancy over the people,

¹ It is frequently said that to be a Whig one must be born a Whig. This is mere impertinence. In 1831 Sir James Graham, Lord Brougham, Lord Palmerston, were Whigs by conviction, adherence, and sympathy. It is interesting to know what their earlier opinions were, and if in after years they cease to be Whigs, it is interesting to observe that they are reverting to habits of thought formed in early life under family pressure, but in their best years they were as good Whigs as if they had been Russells or Cavendishes. There have been scores of pure Whigs who came into the party, no one knows from what origin; it has been so for two hundred years.

and are not fit to watch the execution of the law. It is not merely that he loves noble families, as he loves old beeches and cedars, or longs to see the nation's trust reposed in the heirs of patriots who did and bore much. Besides this sentiment, he has an opinion which satisfies his understanding that the conduct of public affairs qualifies men for lawgiving, and that the men whose character is shaped and sustained by habitual conformity with institutions are most likely to frame new institutions which are to modify the people's character. He regards a new law not as a dose of medicine but as a rule of diet ; and he expects it to be salutary when the patient submits reasonably to a known practitioner. If the practitioner is dismissed, the dismissal seems to him lamentable, even when necessary. He is conscious of being attached to particular living statesmen ; perhaps his joining the party is accounted for by some personal sympathy ; but he will not exalt a leader or a patron to the disparagement of the party. He ascribes no ideal wisdom to the party ; he admires and loves it in spite of its errors. He does not force history in order to assert the antiquity of the party. He does not arrogate to his own friends the exclusive inheritance of zeal for liberty, of Hampden's or Eliot's courage, of a Simon's or a Stephen's hazy renown. He dates from the struggle against James, Duke of York ; he marks precisely the time when the Tories, who helped to bring over William the Deliverer, parted company with his more earnest supporters, and in the subsequent phases of parlia-

mentary government he acknowledges that the Whigs have erred again and again ; but he maintains nevertheless that theirs is the only school of politics. This attachment to a party, which is a mixed habit, partly affection, partly inference, is much more rational and practical than that attachment to a single family which has so strong a charm for many gentlemen of England and France. It is compatible with temperate loyalty to a Royal House ; it is compatible also with an imaginative devotion to the people. It cannot be kept up in minds which have outgrown the idea of a State. To a genuine Whig the State seems the noblest work of man ; nor can he conceive a State without leading families, accountable ministers, and executive powers justifying themselves by persuasive speech.

The chosen head of the Whigs was one who, some forty years earlier, had entered Parliament in virtue of his county rank, and had freely chosen Mr. Fox as his leader. Earl Grey was the first of his family that belonged to the Whig party ; but his forty years of exclusion had already given him the peculiar nobility of the Whigs : inasmuch as he belonged to the generation which would not stoop to George III., he was his own ancestor. He had been lifted out of the House of Commons just at the time when he was likely to lead the Opposition. The English law did not allow him to renounce the unwelcome inheritance of a peerage. Although made a peer against his own wishes, he felt, as a true Whig was bound to feel, a grave and tender respect for ' the



order.’¹ He must have remembered, perhaps echoed, the bitter taunts uttered by such Whigs as Mr. Sheridan against the Minister who bribed country gentlemen with coronets, in order to keep the two Houses of Parliament in parallel subjugation. He was neither sparing nor lavish in giving peerages to his supporters ; six or seven he gave in June, and in September, to grace the Coronation, a few more. These new lords began to redress the balance after the long influx of Tories. This process might be continued. If Reform took as many sessions as the Catholic claims, or the improvement of jurisprudence, and if the Whigs remained in office, the House would come to be as Whiggish as it was before Mr. Pitt’s time, and unless the new peers fell away into the indolence which is so hard to distinguish from Conservatism, there would be in due time a majority in favour of Reform. But the people were not likely to wait for so slow a change. Delay in excess would change the Bill into a sweeping measure for lowering the hereditary legislators. Earl Grey desired the passing of the Bill, not merely for its own sake, but to secure the dignity of the House which he did not propose to reform. He believed himself to be empowered by the King to make a majority by adding a considerable number of new Whig peers. But his power was based on a promise which could be revoked. He could not bind the King to a written

¹ The word ‘order,’ as applied to the Peers, is a correct translation of a Roman political term, but the Romans allowed a citizen to go down from the order to which he belonged, whereas a British peer cannot depart from his order except by attainder, now obsolete.

contract. All he could do, consistently with his pride, his scruples, his prudence, was to let others say loosely and vaguely that the prerogative of the Crown, as it had been in April set in motion to break up a combination of the two Houses, could also be brought to bear on the majority of that House which was not directly formed by the nation. A second stroke of State was legitimate enough, but it was far better threatened than executed. On Whig principles it was best to use the Crown as little as possible, and to get things done by argument. That the Whig party should fail to legislate, and should again retire from the Court and the Treasury, would be a bitter disappointment ; but Earl Grey was too proud to own it ; it was a point of honour with him to sit with his feet out of the stirrups, and to throw himself off the horse nimbly when the horse fell at a fence.

Eagerness to win, and a tight grasp on the grand opportunity, were not lacking in the younger members of the Cabinet. They carefully abstained from making speeches to crowds, and from using threats in Parliament. They acted in concert, and they took their instructions from their leaders. As the crisis drew near they divided amongst them the task of persuading some doubtful lords to vote for the Bill ; nor did the asperities of the summer impede them in the negotiations of the autumn. Lord John Russell wrote to three Tory peers of his acquaintance, and prevailed upon one of the three to stay away, and on another to support the proposal. Lord

Palmerston took part in private conferences with Lord Wharncliffe. Sir James Graham bridled a tongue which was apt to provoke quarrels. Lord Durham disappears from history during this time of suspense. Lord Althorp and Mr. Stanley rested from heroic efforts.

The Reformer who publicly and conspicuously pleaded with the Lords was the unofficial orator, Mr. Macaulay. Of the five speeches on Reform which he corrected for the press and dedicated to Lord Lansdowne twenty-two years after the Bill was carried, the third, spoken before the third reading in the House of Commons, is, if not the most solid, the most ingenious. In this oration he did not preach to the Lords ; he avoided invective and menace ; he showed an affection for the aristocracy, and flattered no one. If he really spoke what he printed, his speech displayed the art of rhetoric in its perfection. Mr. Pemberton, a weighty speaker, had called on 'the barons' to withstand the onset of the innovators. Mr. Macaulay represented him as expanding this summons into an exhortation, and bidding the Upper House avow and proclaim that it could have no interests in common with the nation, that its power rested not on the people's rational convictions, or on their respect for great estates, but on a system fertile of political evils, fertile also of low iniquities. The Tory adviser must bid the Lords declare that an hereditary peerage and a representative assembly could co-exist only in name ; that if they would have a real House of Peers they must have a mock House of Commons.

To a reader it seems strange that men of high studies and mature thoughtfulness could fail to be convinced by Mr. Macaulay. It is known that he charmed Sir Robert Peel. But a few days after he spoke, the imaginary opinion put rhetorically into a Tory mouth was seriously and unreservedly adopted by the most polished sentence-maker in the Upper House—by Lord Dudley, who maintained that the House of Commons was endurable only in so far as it was a spurious representative of the people, and, in reality, an agent of the oligarchy. This remarkable man had an ambition fettered by honourable scruples. He had held the seals of a Secretary, and tried to liberate Greece without ruining Turkey; he had given up the Foreign Office rather than sit in Council with Mr. Canning's enemies. Experience had shown him how hard it was to be consistent and free whilst serving the Crown. Yet he clung to oligarchy. Nor did his refinement forbid him to disguise oligarchy under forms of popular representation. He elaborated the opinion, roughly expressed by a Tory wholly unlike himself, that the King's Government could not be carried on if Parliament really spoke for the whole nation. He was not troubled with that doubt as to the value of this opinion which might have been expected to grow out of the plain fact that his own political schoolfellows, the Lords Melbourne and Palmerston, were resolved to face the admitted difficulties of governing in concert with a true Parliament.

The typical orator, Lord Plunket, spoke after

Lord Dudley. He did not attempt—he was probably not qualified by knowledge or by imagination—to refute the fastidious nobleman's opinions about Government; like theological rather than like forensic managers of controversy, he could do no more than dissect and flatten out the doctrine which he condemned. Lord Dudley's fine, uneasy mind passed into derangement and decay before his tenets were refuted by the conduct of the British people.

The Lords in October spent five nights on those alternate set speeches which are called, by courtesy, a debate. For every strong Tory there was a strong Liberal set up. The speaking showed that the House was already improved, and was in a fair way to be turned into a second representation of the people. But such men as Lord Lyndhurst spoke rather to show how clever they were than with any serious intention of convincing hearty Reformers; nor did any one grapple with the solid reasonings of Lord John Russell and Mr. Macaulay.

It had been calculated that the Opposition had a majority of eighty; but, when the votes were taken, of two hundred and seventy-eight peers present in the House, and of seventy-nine who remained at home, the Bill was rejected by a majority of only forty-one; so that many Tories must have yielded either to fear or persuasion.

It was pointed out that, if the Bishops had sided with Ministers as usual, the Bill would have been carried. Those who said this would not have sincerely respected the Bishops, had they made a

hypocritical show of obeying the Crown. If it was seriously argued that they were bound by a string of precedents to go with the King's servants, they would reply that former sets of Bishops had obeyed conscience in supporting Cabinets which, as a matter of course, guarded all sacred things from tumultuous and profane men; the existing Cabinet was, they thought, favouring such men.

The Bishops were representatives of those freeholders who possessed glebes and tithes. They did just what the rectors and vicars had done, who had, four or five months ago, turned Lord Palmerston out of his University seat. All such clergymen abhorred the things which the Dissenters liked. Even in Mr. Pitt's days the Dissenters were all for Reform of Parliament. If Parliament became such as the Dissenters wished it to be, it would, sooner or later, take tithes and glebes from the parsons. Besides this, it was well known that the philosophical Radicals who helped the Reformers did not hold any theory about supernatural forces; and, although Earl Grey had a brother and two sons in holy orders, his colleagues mostly were not clerically inclined. Dr. Stanley, a well-born and liberal prelate, voted for the Bill. In June he had been named to Earl Grey as one worthy of being translated from Norwich to a less laborious and more lucrative see; but he never got any reward from the Whigs for his unique vote. Dr. Blomfield, Bishop of London, since distinguished as a promoter of the great economical change effected by the Malthusian Poor Law, voted with the Tories silently;

but on a later day he rebutted with composure and dignity the Lord Chancellor's satirical verbiage, in which was wrapped up a sort of charge against the honesty of the episcopal vote. He was assuredly as fit as almost any one, even amongst the Liberals, to sit in council for the good of the people. He showed himself to be as politic in this long perplexity as any of the lay lords ; and no bias against theology prevents an aristocratic Liberal from being glad when such men join the hereditary lawgivers with a contribution of virtue that comes fresh from the unprivileged people. The Duke of Wellington, although he had failed to show cause against the Bill, was quite successful in vindicating the prelates from the imputation of mean motives. Lord Grey did not show his usual self-restraint in dealing with this section of the Upper House, nor could he by scolding silence Dr. Philpotts of Exeter, a priest who missed his better luck when he preferred the cassock to the barrister's wig.

On the whole the episcopal bench, whilst incurring a flood of obloquy, became more respectable in the eyes of fair judges by swelling the majority instead of abstaining altogether from a share in the peril ; and its tenure of legislative power for fifty years since that unpopular vote belies the Radicals' and the Dissenters' confident expectation, so loudly uttered in 1831.

When the Bill was condemned by the Peers there was nothing to be done but to close the Session in a leisurely way, and, during the interval before another

Session began, to consider whether the majority of forty-one should be melted down by coaxing or swamped by a sudden increase of the Whig force. Two things were soon ascertained—that the Cabinet was not going to break up, and that the Bill was not going to be clipped by its authors. They had to wait for events which were beyond their calculation.

It was now the time for busy-bodies and ranters to bestir themselves. It was impossible to find two men more fit to deal with them than the Lords Grey and Melbourne. If they kept their colleague, Lord Brougham, in good discipline, it was easy for them to dispose of Mayors and Chairmen.

Lord Brougham's vanity was sated by his being allowed to detain the two Houses till they passed his Bill about bankruptcy. It was said of him that he was a man who could not change horses without making a speech at the door of the hostelry. But it was not the fashion in 1831 to make autumn speeches on parliamentary topics; and in that autumn the only parliamentary man whose reputation excited a provincial town was the headstrong Tory Sir Charles Wetherell, whom one historian has ventured to call a buffoon.

Lord John Russell, who was seldom carried away by his temper in speaking, but wielded a somewhat petulant and unruly pen, was so indiscreet as to send from London to Birmingham this pointed sentence: 'It is impossible that the whisper of a faction should prevail over the voice of a nation.' Although 'faction' in the reign of Elizabeth meant the same as

'party,' it was not in 1831 the proper word wherewith to name the connection of families which had, till the year before, controlled the public offices and the chief professions. So cold a blast could but make the Tory Barons wrap themselves more tightly in their mantles. This jewel of speech was presented in a complimentary manner to the chairman of a political union ; and soon afterwards a proclamation was issued to tell political unions that they were illegal in the opinion of the King's Ministers, who in issuing this proclamation complied with the real wish of the King.¹

The Cabinet, unchanged in composition, and conducting international transactions loftily, accepted as a matter of course the renewed vows of its supporters in the Lower House, who mustered three hundred and twenty-nine on October 10, to declare that the opinion of the country had been unequivocally pronounced in favour of the Bill. The excellent teacher of politics, Mr. Macaulay, took occasion in speaking on this 'vote of confidence' to state most impressively a view of the unreformed system of Government which it is well to bring to remembrance ; for, since it no longer holds good as a description of modern Britain, it marks the eventual result of the change which the speaker furthered. He pointed out that, as things then stood, there was a great anomaly in the relation between the people and the Government . . . that

¹ The King was moved to express this wish by the Duke of Wellington. If the Duke gave the advice to the King without first imparting it to the First Minister, he stretched a point.

the people had not sufficient power in making the laws, but quite sufficient power to impede the execution of the laws when made. He illustrated this by reference to the Sidmouth Act of 1819 against libels, which was obtained with ease from a subservient Parliament, but was not set in motion in 1820 against the libellers of George IV. because the Crown officers knew they had to deal with a refractory people. He foretold that the Reform Bill would establish harmony between the people and the Legislature, giving a fair share in the making of laws to those without whose co-operation laws were mere waste paper. Juries, in fact, had long been able and willing to nullify recent statutes which were express and solemn commands of the sovereign aristocracy.¹

Trial by jury was to the bold democrat what sanctuary had formerly been to homicides. In the weeks which followed the triumph of the Tory peers, many Reformers used language for which they might have been indicted on a charge of sedition, or on a charge of conspiracy to break the peace. Justices of the peace, and grand juries at assizes, might have been induced to further, so far as it lay in their power, such prosecutions ; but petty juries would have acquitted, against evidence, any Reformers charged with conspiring to stop the payment of taxes.

¹ This contumacy is quite different from the sceptical indolence which turns many well-intended statutes into mere records of good projects. In the reformed system of government, every statute that modifies the law of libel and similar branches of the law is obeyed by all the courts, and enters into the accepted destiny of all British subjects, even when new rules for the promotion of longevity, and the like, are neglected. In the Liverpool days the juries were apt to set at nought both evidence and judicial direction if they thought the law too severe.

XXXIV.

MR. ROEBUCK, who sat in many reformed Parliaments with authority, said in old age that he was lawyer enough to know that in the Reform Bill times he had done things for which he might have been hanged. In point of fact the gentlemen who went to public meetings were sometimes in danger of violence if they disagreed with the crowd, but they were also in danger of being confounded with the malefactors who lusted for disorder and plunder. There was of course a boundary line between the admirers of Hampden, who defied the tax-gatherer, and the admirers of Thistlewood, who longed for a chance of breaking into a Tory's cellar ; nor is there any proof that any politician overstepped the line. But there were at least two English towns, Nottingham and Bristol, in which political antipathy engendered riots which ended in felonies.

At Nottingham a mob, formed without design on the announcement of the Bill's failure, burnt a house belonging to, though not occupied by, a Duke who was known to entertain a strong sense of his lordly rights. For this outrage no one was arrested ; hence it is inferred that the rioters were protected by an overwhelming flood of popular excitement.¹ The Duke was by the law entitled to compensation at the

¹ Three culprits were hanged for burning a silk mill near Nottingham about the same time as the Duke's house was burnt. They seem to have reckoned, by mistake, on the sympathy of the factory people.

cost of all the inhabitants of the Hundred ; and, if the orderly householders connived at arson, it was clearly expedient that they should be rateably charged with the reparation of the injury.¹

But that State is imperfectly constituted which, at a time of foreseen excitement, has no machinery for promptly avenging the public wrong done by incendiary rioters ; and it is historically certain that the high statesmen, who had held unbroken sway for nearly fifty years, had not completed the organization required for suppressing the explosions of malice which headstrong gentlemen were apt to provoke.

In the riots of Nottingham and of some other towns the rabble broke out too suddenly for magistrates to guard against. At Bristol there was time to take precautions against disorder. It was not till October 29—that is, three weeks after the rejection of the Bill, a week after the prorogation—that Bristol became the field of combat between the defenders of order and the lovers of anarchy and of strong liquors. The Bristol follies and crimes lasted about fifty hours. Bristol was within a day's coaching, or posting, of London. It was in possession of its felons and drunkards so long that the Home Office must have been rousing itself to send thither a detachment of its own little standing army, the metropolitan police, when the news came that the flames were quenched.

The Home Office had entrusted the city to troops

¹ A Hundred is a subdivision of a county ; except as regards the law of compensation for mischief done by rioters, it is almost an obsolete institution ; few know to what Hundred their parish belongs.

belonging to two regiments of horse, which were left to the discretion of a gentleman who had resided there about eight years, under the title of 'inspecting field officer.' He was called a colonel, but he had not command of any regiment ; he was in his fiftieth year, and he had never paid for any step in his promotion.

A modern soldier would hardly care to take charge of a great town with only two or three squadrons of cavalry, with no cannon, no infantry, no engineers. If obliged to do so, he would ascertain precisely the numbers and the positions of the military pensioners resident in the town, of the paid constables, of the volunteer special constables, of the armed officers employed against smugglers, and of the volunteer yeomanry. He would take care never to be out of communication with a civil magistrate ; for without his leave he would not be free to employ soldiers to strike any blows except when the soldiers were mobbed and endangered.

The 'inspecting field officer' was not conscious of being in charge of Bristol ; because, in theory, the mayor was in charge. Now, the mayor was at first eclipsed by a greater magistrate, the recorder, that is, the barrister, or queen's counsel, who came to act as judge at sessions for 'gaol delivery.' The recorder of Bristol was so considerable a lawyer that he ranked almost with the twelve judges ; at least he seemed to the tradesmen of the corporation an august representative of the Crown. The office was held by a violent party politician, Sir Charles Wetherell ; he was notorious as the most vituperative and nearly

the most undignified adversary of the Reformers. It was his coming to hold the sessions which had given rise to the apprehension of a disturbance. He need not have come at all. A substitute, unknown as a politician, might have come instead of him. But he was too much of a braggart to be prudent. He came into the town with some display of pomp. As soon as he took his seat on the bench he became the object of insulting clamour. The town clerk could not shield him from the populace. Magistrates and constables were discomfited. The recorder had to fly in disguise. Perhaps his personal humiliation was assuaged by the fulfilment of his prophecies ; for he was one of the many professional persons who were quite sure that the attack on borough-mongers meant nothing less than the overthrow of society. It has been surmised, on the other hand, that Lord Melbourne was not sorry to hear of the recorder's defeat ; and certainly, if there was to be a lesson given to Tory lawyers, it was as well that the Tory lawyer selected for castigation should be Sir Charles Wetherell.

The Reformers of Bristol formed a mixed body, and it comprised many irregular people, fond of gin and whisky, envious of their rich neighbours, and not fortified by reason against the contagion of anarchy. Such people, if left to themselves, might have been content with the repulse of the one obnoxious Tory ; and in most towns they would have put off the celebration of their triumph till the fifth of November. For on the fifth of November it is the cus-

tom of Englishmen to commemorate Guy Fawkes, a creature of legend who has become a sort of fetish-doll. The recorder's effigy would have been carried about and burnt, in perfect accordance with popular taste ; and the best Tories would have laughed.

But Bristol contained a dangerous set of poor inhabitants, and a formidable set of neighbours, the colliers of Kingswood, whose predecessors had been specially preached at by Methodists a hundred years before. It contained also those magazines of explosive human passions which modern nations are obliged to keep at all times close to the fuel which poverty and stupidity furnish abundantly ; it contained two great prisons, the city gaol and the county gaol. Moreover, its port was close to the heart of the city ; and rioters taking refuge in ships could not be pursued any further by mounted soldiers.

The rebellion against the recorder took place on Saturday. The rest, or compulsory idleness, of Sunday has not been wholly good for uneducated people since the invention of gin. On Sunday morning, when decent folks lay a-bed thinking all was over, the rioters set to work apparently to avenge one rioter shot over-night by an exasperated soldier in self-defence. They opened, and then wrecked, the prisons. They did the same with the Guildhall, with the official residences of the mayor and the bishop, and with about forty inoffensive private houses to which they were seemingly drawn by the thirst for liquor. If left to themselves a little longer they would have burnt houses from which the flames,

spreading to the ships, would have ended in a sweeping conflagration. They showed no spite against any Anti-Reformers save the bishop. Political antipathy was overlapped. The two ruling passions were love of mischief and love of alcohol.

The citizens were partly afraid of the rabble, partly unwilling to help the mayor, either because he was a Reformer, or because the office was despised. A cornet—that is, an officer of the lowest rank and least experience—was entrusted with a small troop of horse, to watch the delivery of convicts from a prison ; he was expressly forbidden by the ‘inspecting field officer’ to shed blood in attempting to defend the prison. Rioters burnt one another alive with considerable freedom, and drunkards lay senseless under the drip of molten lead that ran off roofs. These things happened in the sight of dragoons whom a falsely merciful commander wearied with useless movements.

When things were at their worst, an officer, who represented Lord Hill, the Commander-in-Chief, took it upon himself to ride six miles in quest of a squadron ; yet he had no authority to supersede the responsible commandant, by whom the soldiers had been withdrawn.

The principle of respect for authority was tried to the utmost, and the discipline of the English army was proof against the unwonted irritation. Though often balked and exposed to mockery, the troops were found on the morning of the third day fit to do their work ; and after dispersing the plunderers they

briskly followed some of them along the roads, but without needless violence.

Of the inhabitants of Bristol there was one who gained some credit for valour, William Jones, the bishop's butler, who stoutly defended his master's goods. The mayor proved in a high court of justice that he had done his best with the citizens; it was manifest that he had not ruled the military official, who surpassed him in experience and seemed to be the special agent of the London Government. A mayor elected by a small close body of inferior traders, and intended for ceremonial business only, could not be expected to teach a colonel his duty. The municipal government was not so constituted as to gather up the active spirits and the strong limbs of the citizens. For the extinction of fire there did not exist that volunteer force which modern towns can array. The sailors of the merchant ships were mere lookers on, with no sense of neighbourhood or civic obligation. The young shopmen and clerks were not, as in modern times, hardened by cheerful muscular exercises. There was less manliness amongst civilians; there was more heart-burning, more suspicion, more meanness of spirit, less local patriotism, than in the somewhat democratic generation which is now flourishing.

It is the English practice to avoid both haste and delay in animadverting on those breaches of the King's peace in which there have been many men concerned, whether these offences are regarded as acts of sedition or as acts of riot. Instead of empowering

soldiers to judge off-hand, a thing made tolerable only by extreme danger, the regular Government proceeds against rioters by arrest, by preliminary inquiry before ordinary magistrates, by 'committal,' which ensures the appearance of the accused at his trial ; by preferring indictments founded on the notes of evidence taken at the first inquiry, but shaped by the skill of experienced lawyers ; and then by furnishing the accused with every facility for defence. But to avoid delay a special commission is granted to some few of those judges who are sent by ordinary commission to hold assizes. Thus the assizes are anticipated, and the attention of the community is fixed on one set of trials ; so that every exercise of judicial discernment on a special commission is an impressive piece of teaching for the common people. The trials of the Bristol prisoners began on January 4, two months after the riots. They were held not at Bristol, but at the more tranquil city of Gloucester. Sir Charles Wetherell had claimed in Parliament a right to be included in the commission, so as to sit on the bench and try prisoners who had driven him from his duties, and had eaten the dinner provided for him ; he was not employed even as a witness.

In the record of the trials no mention is made of any rioter having armed himself with a firelock, or of having inflicted wounds in personal conflict. A veteran Radical, who in his cups was ruffianly, but at other times respectable, was abundantly proved to have spent the two days in frantic abuse of bishops, and vain entreaties for the destruction of churches ;

his weapon was an umbrella, which he used only to give emphasis to his swearing. As he was a moneyed man, having saved 2,000*l.* as a carrier, he was treated as a ringleader and hanged. The three others who were hanged had used their arms more than their tongues, had opened prisons, and destroyed private dwelling-houses ; one of the three was above the station of common working men. The retired carrier was the only one who had uttered any opinions that could be called political.

It is then certain that the disgraceful riot was not of the nature of sedition or insurrection. It was not wholly calamitous, for it revealed the gross silliness of the common people, and convinced their betters that there was need of moral discipline.

Students were wont to inquire in a speculative manner whether modern Europe was in danger of being split up and deformed like the Roman empire ; apparently there was no region that could send forth hordes of barbarians against such countries as Britain and France. Bristol proved to the Britons, as Lyons at the same time showed the French, that civilization bred swarms of human beings more formidable than the Huns of Attila.

Pensive talkers and writers moralized on this latent savagery ; poets or romancers used the new colours to produce new effects in their scenes. The Home Office in London contributed to the King's speech a dry sentence which pointed out the expediency of establishing municipal police. The gentlemen of the United Kingdom, from whose hands

the Reformers were thought to be taking power, persevered quietly in the cultivation of those habits which enabled them in time of need to coerce and intimidate all spiteful ruffians, especially night poachers. The unperceived tendency of political change was towards increasing the number of intelligent and courageous gentlemen, partly by rousing the Tories to Conservative activity, partly by helping the producers of wealth to become full-blown Britons instead of mere men of business.

XXXV.

THE third edition of the Reform Bill was laid before a patient and good-tempered Parliament by Ministers whose credit was raised by their long-suffering and their discharge of duties. The Tories had relished the fulfilment of their forebodings ; but no legislators had been seriously dismayed, not even the Bishops, the chosen victims of the innovators. The great measure was again discussed methodically and at leisure ; and those who had been twitted with factious obstruction had their revenge ; for they could truthfully boast of having forced on the Reformers a good deal of reconsidering and amending. The changes, accepted as concessions, elicited hearty thanks from at least one Tory, Lord Clive, a sensible and blameless man. The improved Bill passed with ease the turning point of the second reading. So many kept away from the division that it was carried

by two to one. In Committee the more obdurate Anti-Reformers began again with elastic vigour that dissection of clauses which follows a second reading. They found as many holes as ever in the tub; one anomaly appeared where another was stopped up.

The inconsistency and the ingenious fumbings of the Reformers furnished Mr. Croker and his friends with excellent opportunities for being themselves ingenious and inconsistent. Whilst they themselves did homage, democratically, to the rule of three, complaining that the moieties of Cumberland got two members each for populations much less than those of undivided counties, they could not but acknowledge that the Home Office had paid a compliment, if a clumsy one, to the thing set against population, to property indicated by taxes. For a Commission had been hard at work recasting the much tinkered schedules of boroughs.

Lord Melbourne, who disliked the whole movement, had signed a letter addressed to Lieutenant Drummond, the best of mathematical surveyors employed by the Ordnance, requesting him to arrange the half-condemned boroughs on a scale of importance, to be determined by a mixed estimate. A borough was to plead for the retention of its rights not merely that it had so many inhabited houses, but also that it was reported by the tax-gatherer as having paid so many pounds on account of luxuries such as carriages, horses, dogs, men servants, armorial bearings, and hair powder. The only result of this inquiry to which Lord Melbourne saw his way was

that Old Sarum, the green mound in Wiltshire on which two East Indian potentates based their legislative power, must be the zero of the scale. The engineer was left to himself to settle how he would combine the elements of population and taxed luxuries to graduate those boroughs which were less impalpable than Old Sarum. The upshot of his calculation would be, that some boroughs would escape from the annihilating schedule, which had been inserted therein because they were thinly peopled ; they would escape, if their few inhabitants were found to pay taxes which were not paid by the more numerous inhabitants of some other boroughs. Lieutenant Drummond, supported by a set of able men of science, who served under him and trusted his judgment, made out his list on a principle which was approved of by three or four eminent mathematicians whom he consulted. But it so happened that there was in the House of Commons a Tory lawyer who began life by heading the list of a year's mathematical students at Cambridge ; he undertook to teach the House enough mathematics to convince them that the Whigs had been misled in accepting the results of the engineer's calculations.¹ It has been said by a certain philosopher, who might have been a statesman too, that mathematics make a perfect mill ; only if you put in peas-cods you must not reckon on getting flour. The lawyer who had been a 'senior wrangler' is reported to have put into his machine a certain

¹ In Drummond's Life Mr. Croker is named as the daring critic ; but he did not take the lead in this affair.

mental material called an analogy. In answering him Lord John Russell, who was not a Cambridge graduate nor intimate with the minds then characteristic of that University, began by showing that the analogy was false. He then dropped philosophy and resorted to a rough parliamentary argument. Lieutenant Drummond's way of calculating had been, said he, preferred to other ways by Sir John Herschel, a mathematical sage. Sir John, son of the William Herschel who discovered a planet, and tried to name it after King George, was an authority beyond appeal; faith in him was reasonable faith. If Sir John Herschel's letter to Lieutenant Drummond had been read out, it would have been noticed that, although he agreed with his correspondent as against his critics, he set no store by any technical calculations at all about the political importance of boroughs. The later Reformers seem to have thought that it was lost labour to estimate scientifically the two elements, population and wealth; and had they attempted it they would have avoided so illusory a test of wealth as the 'assessed taxes.' To those who sigh over vulgar progress this must always be a tender reminiscence, the unreformed House of Commons listening to a mathematical discourse.

In these minute and curious debates on boroughs the real party question was, whether the Whigs were favouring certain Whig landholders and certain sets of people, such as the traders of North-west Durham. The scientific computations were found to shift some boroughs from the list of those which were to be

wholly extinguished, to the list of those which were to retain single members, and to make other changes in the reverse order. It was remarked that neither the arbitrary fixing of a minimum, nor the adding of fractions to make out a 'function,' nor reference to the new census, prevented the Russell borough Tavistock from retaining its two representatives of about five thousand souls. It was left to the unscientific Reformers of the next generation to bring this little mining town, when it had risen to seven thousand souls, down to the single franchise. Lord John Russell maintained, with indignation at the time, with tenacity thirty-seven years afterwards, that he had not contrived anything in favour of his own family, and he proved that in drawing the boundaries of boroughs a Tory Marquis had been incidentally strengthened at Stamford as much as a Whig Duke at Totnes.

In the county of Durham there was a place of trade called Gateshead, of fifteen thousand souls, divided by the Tyne from Newcastle. The Whigs were for giving it one member; the Tories asked why it should not be annexed to Newcastle, although not in the same county. They wanted the seat for Merthyr Tydvil, a town of twenty-two thousand souls, and chief place of a great iron country. The Bill was applying to Merthyr Tydvil the Welsh principle of stringing together several detached towns; it was to be linked with towns twenty-five and thirty miles distant. The Ministers were worsted in this debate. An excellent Whig, Mr. Labouchere, yielded

to argument, and voted against his party. His honest vote did not prevent his taking office with his party in after years. Lord John Russell carried the point, by help of a majority faithful but doubting, and smaller than usual. Soon afterwards he yielded about Merthyr Tydvil, giving it a member of its own ; but, instead of getting the seat for it at the expense of Gateshead or any other town, he took it from a county. His argument was, that if a new independent borough was formed in Wales a sacrifice must be made elsewhere by Wales. There was a Welsh county to which, as it had nearly a hundred thousand people, he had in the third Bill proposed to give a third member, putting it on a level with some English counties of middling size. This boon was now withdrawn. Monmouthshire had to forego what Merthyr Tydvil demanded. It is a weakness of human nature, from which even the statesman is not always exempt, to indulge a sort of false pride by substituting a thing of one's own design for the thing that another reasonably expects ; and to invent, for one occasion only, such a premiss as this maxim about Welsh representation is a trick such as people far inferior to statesmen have been observed to play.

These little fencings about boroughs are interesting, inasmuch as they show that the Ministers did not go far towards that arbitrary and high-handed procedure to which they were tempted by leading a force amounting to two-thirds of the House, and sure to be backed by nine-tenths of the talking people in the kingdom. It is also noticeable that in this Session,

on the eve of final defeat, there were Tories, hitherto not conspicuous in debate, who, when roused by neighbourly sentiment and emboldened by knowledge of details, reasoned with effect and made some impression on public opinion. It would be wholly erroneous to assume that the gentlemen who opposed Reform became sulky or faint-hearted after their many losses. There were some sour and narrow minds in the Opposition ; yet candour and cheerfulness prevailed.

A year of strife, which comprised some intervals of repose, had not embittered the animosities of faction. Tories learnt to think better of Whigs because the political unions were repudiated by Court and Ministry. Whigs perceived that many Tories were docile, and nearly all were improved by adversity. The second House of Commons that essayed the task of regenerating itself almost justified, by its good conduct, the praise given by Conservatives to the system on which it had grown.

XXXVI.

THE Reform Bill, modified by the retention of the old number, six hundred and fifty-eight, which was mainly due to General Gascoyne, by the admission of the tenant farmers to the suffrage, which was Lord Chandos's amendment, and by that curious estimate of the wealth of boroughs, which the Tories in their perplexity acknowledged as a blow struck

by the Whigs against democracy, came finally from the Lower to the Upper House in April. There was so little eagerness amongst the friends, so much hesitation amongst some of the enemies, of the measure, that the discussion was by consent put off some days, ostensibly to give the Lords time to attend quarter sessions in their county towns.

Six months had passed since the Upper House had regularly debated the question ; and no terms of surrender had been settled. The alternatives were in April 1832 as plainly set before the privileged men of title as in September 1831. Either they must seem to agree with the elected legislators or submit to manifest coercion. They would be coerced either by the Ministers acting in the King's name, or by the political unions acting in the name of the British people. If the Ministers got a forced majority by the sudden ennobling of fifty or sixty commoners, this would be a stretch of the royal prerogative more painful than the abrupt dissolution of Parliament which took place the year before. If the political unions got the upper hand in London, and hindered the Peers from voting, or set their vote at naught, this would be an insurrection.

To escape from coercion the House had to capitulate with the Ministers. But it would not do this simply by one act. Its dignity would be saved by allowing itself to be driven in from the main breach, and then holding retrenchments further back. There were but few peers who were not by this time prepared to let the House of Commons change its com-

position to some extent. Schemes which individual Tories were concocting went very far beyond the proposals made in the Liverpool period by Lord John Russell and the few others who then hoped for a somewhat better system of representation. The Duke of Wellington was not consulted by the 'moderate Reformers;' he and many others were pledged to remain to the last on the beaten side. It does not follow that they sincerely disliked being beaten. They stuck to the opinion of Lord Dudley that Government could not be carried on with a reformed Parliament, but they were fully aware that they themselves could not, and Earl Grey would not, govern without passing Reform.

It had got to be a question, who were the peers that must sacrifice themselves? The Bill must be read a second time. The superior persons must vote against it. Some poor creatures must vote for it once, to avert the intrusion of new peers. Feeble and half-witted lords were to be impressed. One of them, who was thought up to the last hour 'slippery,' confessed his surprise at discovering his own importance; he had not been used to so many invitations, he was not aware that he had so many acquaintances on terms of shaking hands. Another, whose proxy was mislaid, was visited by an express messenger bearing a letter written by an Earl who was not acquainted with him. The byeways of society were searched for proselytes, who, after saving the honour of high Tories too proud to vote with Ministers or to stay away, were to be turned loose again and for-

gotten. The Reformers were to be appeased, and the purity of the baronage to be secured, by a factitious and elusive majority.

Then the Bill was to be talked over clause by clause, and by the end of the summer so many boroughs would be rescued, such alterations made in shires, so complete a preservation of freemen and pot-wallopers effected, so many plebeians disappointed of their suffrage, that the Bill could be without loss of dignity passed by a thin House, and sent back to the Commons as a fair British compromise. For this fine political game it seems there were many active minds trained and equipped. It was a long vista of action and fame for such clever men as Lord Lyndhurst and Lord Ellenborough. They would show themselves to be the genuine English politicians. The intrusive Foxites and Canningites would sink back into their proper subordination.

Mr. Greville, a permanent officer of the Privy Council, one of the rare men who can mediate without intriguing, who can explain one man's views to another man without warping the opinion, went to and fro between Earl Grey's friends and the allied Lords Harrowby and Wharncliffe, who persevered in trying to make a little temporary majority to carry the second reading. Of course the Ministers ceased from private attempts at persuasion such as had been made in the autumn. They asked from time to time how the negotiations were getting on, whether the bargainers could promise a sufficient group of converts, whether this or that concession about metropolitan boroughs or

double suffrages would satisfy them and the waverers. It was left to the two lords to settle with their allies from what sources the little majority was to be obtained. Mr. Greville for some time hoped that Dr. Howley, Archbishop of Canterbury, a divine selected according to custom on the score of his gentleness to preside over the English clergy, would lead a little troop of prelates into the camp of Reform. Perhaps he had been told of the Canterbury meeting at which it was proposed to turn the Cathedral into stables for cavalry. If the King had asked him to save the throne by voting either for or against the Radicals it would have been easier for him to make up his mind. As it was, he kept the three laymen in suspense, and had, apparently, the peace of the kingdom hanging on his decision ; but the peacemakers ultimately had to do without him.

Of the other peers who were entreated to further the work of compromise none had, like the Archbishop, a following. No one had a following save the Duke of Wellington. He had lost influence three years earlier by surrendering to the Catholics, but he had recovered much of what was then lost. He was the only certain leader to whom Tories that valued their political footing could turn when in doubt.

The only person that seemed to hold out a flag for others to rally round was the Bishop of London ; his public spirit and straightforwardness delighted the Ministers. With him went nine bishops, one of whom, Dr. Sumner of Chester, was a writer of taste,

a guileless and generous follower of primitive Christians, and a lifelong friend of the Church's peace.

When they were counting up their supporters the Whigs lamented the absence of an old man laid up with the gout in Guernsey. This was Lord de Saumarez, one of King William's peers. He had commanded a line-of-battle ship in the action of April 12, 1781, which saved Jamaica from the French when a victory was sorely needed and all the world was against England ; he had, after a repulse at Algesiras, displayed the true Nelson elasticity, and turned failure into triumph. Fifty years after Rodney's action, thirty years after Algesiras, he was recommended for a title. King William remembered that he had commanded the Baltic fleet when some great ships were sent home at the wrong season, and were lost in the foggy shoals. It was owing to Earl Grey's entreaties that this mishap was forgiven, and the veteran permitted to set an English title on his proud Guernsey family. It was a pity that one whose honourable experience reached back to the days of Keppel and Rockingham could not come to help the good old cause.

The cause was, in the debate, somewhat damaged by the Earl of Shrewsbury. He was a Catholic, and his invective against the Church and State Establishment, which had been so recently altered in his favour, might be taken as a warning against any further relaxation of privilege. His earldom was of the middle ages. The Reformers prided themselves on the liberality of nearly all the peers whose titles dated from ages before Mr. Pitt's Ministry. Mr. Macaulay

argued that Reform was safe and respectable because the Cavendishes, the Russells, the Talbots were for it ; and the head of the Talbots was the Earl of Shrewsbury. But, when a family has been kept out of the political career for many generations, it is no wonder if it betrays, when first let loose, some wildness. The tone of a man just enfranchised may jar on the ear. Such discontent as the Talbot uttered was probably seething in the hearts of many plebeians ; and the safest plan was to give them the franchise and bid them back their sentiments with their votes.

The Bishop of Gloucester, a steady Anti-Reformer, struck hard at the Catholic earl in defending the Bench from his charge of abetting tyranny. He pointed out that the last tyrant they had known in England was James II. ; that the example of resistance to him was set by Protestant bishops. He would not disparage the glory of the ancestors of the lay peers whom he was addressing. Some of them had ancestors who helped to expel the tyrant ; but, had it not been for the Protestant clergy throughout the country, the efforts of those noblemen might have failed, and 'the House of Brunswick might have moved but little beyond a German principality.' Although the House of Brunswick did not come directly after James II., this vindication of the clergy was, in the main, truthful ; and the Bishop's account of the actual Monarchy, as resting on the will of humble clergymen as well as great lords, was a valuable contribution to historical theory as well as a smart thrust in debate.

The debate, although it was complimented, according to custom, as being a finer performance than any corresponding House of Commons debate, must be regarded as a sham fight. Lord Grey's two speeches were deeds; they indicated his purpose; they were hardly endeavours after persuasion. He made a sufficient show of moderation and pliancy, without disguising his resolve.¹ He reckoned on being allowed to lay the Bill, after the Easter holidays, before the Peers in Committee, that is, the Peers present in their chamber, without proxy voting. It was a nicely adjusted victory that was provided for him. One hundred and twenty-eight Lords voted in person for the Bill; one hundred and twenty-six against it. The proxies, which could not be used in the minute discussion of clauses, gave him a further majority of seven.² He was in no hurry to follow up this success. It was on the twenty-third day after the division that he proceeded to try the sincerity of the waverers.

The Tories in the Upper House were under the great disadvantage of having no man sufficiently wise

¹ Mr. Greville states that every arrangement was made for taking the King to the House of Lords to prorogue Parliament on Saturday, April 14, if the second reading were refused, and that on the Tuesday following the Peers would have appeared in the *Gazette*. This statement is not in keeping with the adjacent entries in his journal. The transactions of May 17 show that even then the King had never seen, much less approved of, any list of men that were to have peerages offered them. Until better proof is adduced, it is reasonable to believe that if beaten on April 14, Earl Grey would have had to go through the same process as he actually went through in May.

² Lord Grey's private secretary, Mr. Charles Wood, had calculated, a few days before the division on this majority, of nine in all. Mr. Greville, nine days before the division, reckoned on a majority not below six nor above eighteen.

and authoritative to guide them. The Duke of Wellington had not that parliamentary tact which was generally characteristic of Sir Robert Peel. He was precluded from anything like flexible leadership by his old dogmatic utterance against Reform, which held him like a vow. He was too ambitious, too much flattered, too necessary to his admirers, for retirement and silence. He went out of his way to take up the posture of one who nails his colours to the mast; he resorted to that special privilege of a peer, the protest entered on the journals of the House; he had the honour of being followed in protesting by no less than seventy-three men. Nevertheless he said he was willing to work at the clauses in Committee. His late Foreign Secretary, Lord Aberdeen, seemed to take little interest in Reform, being content with animadversions on the policy of the Cabinet in Continental affairs. His late Chancellor, Lord Lyndhurst, was at this time chief of one of the three common law courts,¹ and was not expected to take a prominent part in dislodging a Ministry or guiding a party. Lord Harrowby, whilst keeping his place in a family sequence of statesmen, was in such health that he could not always be polite in an interview. Lord Wharncliffe was well informed about the feelings of those strenuous Englishmen who made South Yorkshire the most important of

¹ Here 'common law' is a term opposite to 'equity.' When Lord Lyndhurst was Chancellor he was the first equity judge. It was not usual for one who had been Chancellor to take a lower judgeship. A common law judge, if he is a peer, can, without cavil, take part in debates, but he does well to avoid entanglement with party combinations.

districts. He had worked hard to accommodate Yorkshire wants to Tory prejudices ; and, through Mr. Greville, he had, up to the beginning of April, operated with some skill on the more conciliatory Members of the Cabinet. Lord Haddington, a Scottish Canningite, had joined the Trimmers or Mediators, and might have been expected to keep them out of some errors.

But these good men unhappily suffered Lord Lyndhurst to direct their course. They believed that they were not violating their implied contract with Lord Grey, if they joined their old friends the Anti-Reformers in the examination of clauses, with an honest purpose of working out moderate Reform through the composition of forces. The Tory force was what they failed to calculate. They vainly thought that they held the strings of bags which contained the winds of emulation. They had not foreseen that the initiative choice of Tory policy would be grasped by a 'junior baron,' Lord Lyndhurst. His cleverness outstripped their wisdom, and dragged them into error.

Mr. Greville had the advantage of being a racing man, and at Newmarket he learnt how easy it was for an upright gentleman to slip into the reproach of trickery when attempting nothing worse than a fine arrangement. He was taking holiday at the little capital of the Jockey Club, and thinking how he was restoring its political character by bringing Whigs and Tories thither to devise compromises, when the guileless Yorkshire baron was in more dangerous

company up in London. When races were over and interviews were resumed, Mr. Greville found that his friends whom he had, he thought, guided so prosperously through the winter, had been, in Newmarket phrase, 'got at' by the 'High Tories.' They had made the mistake of ranking themselves with those Tories who were bent on humbling Lord Grey and maiming, if not ruining, the scheme of Reform.

Of the concessions offered to the moderate Tories there was one which bade fair to comfort them. Lord John Russell had all along stuck to the notion that there must be a certain number of boroughs fixed upon for abolition. In the third Bill the number settled was fifty-six. In the Drummond scale the fifty-seventh borough above zero, even if it was very nearly as populous and luxurious as the fifty-sixth, was to retain one member ; the second list contained five boroughs which ought to have been added to the first ; but when this was pointed out by an Irishman, who wanted their franchises for his own country, Lord Althorp firmly declared that there must be an end of this game, and that he would have no more controversy. This is the natural feeling of men who, after long delay, are bent upon getting a thing done. The number fifty-six became a fixed number, not because argument was exhausted, but because a line must be drawn somewhere. Now Lord Grey was so conciliatory as to omit the number fifty-six from the first ordinance proposed to the Upper House. Cabinet secrets are kept well ; and it is not yet known whether in making this concession the First Minister vexed

and overruled his colleagues who had been defending their 'falling heap' and their 'plucked horsetail' in the Commons. Probably he was thought by Lord John Russell and others a little too good-natured. It was therefore all the more necessary that he should cling tightly to their method of settling the destruction of boroughs before proceeding to the allotment of the spare seats. So he insisted on beginning with the annihilation of the chimera called Old Sarum, and crawling from hole to hole till he reached Agmondesham or Amersham.

This task, twice performed by the Commons, he set before the Lords when the London season opened in May. He had been privately informed that the Tories, headed by their cleverest men the Lords Lyndhurst and Ellenborough, were bent on putting off the consideration of the rotten boroughs—a project on which they had been conferring one with another for a fortnight. But he had been, through his Tory colleague the Duke of Richmond, in correspondence with the active manager of the Trimmers, Lord Wharncliffe; he had reason to think he would be apprized by Lord Wharncliffe of any renewal of hostilities or any failure of his own candid and gentle management.

As late as Saturday, May 5, Lord Wharncliffe wished to give notice to Lord Grey of the Tory amendment, and of his own adhesion to it, which implied the concurrence of several peers, perhaps as many as seventeen, who had been persuaded to let the Bill get as far as the Committee stage. But

Lord Lyndhurst, in an evil hour, persuaded Lord Wharncliffe to say nothing about it, alleging that the Tories were sick of his friendly conferences with the Ministers. So on Monday, May 7, the misguided Yorkshireman came to the House, and at the last moment disburdened his mind of that which he ought to have revealed before. He told his secret to three men eminent for high spirit, the Duke of Richmond, Lord John Russell, and Mr. Stanley. It was too late for remonstrance, too late for the summoning of sure friends or for expostulating with backsliders.

The Ministers, who had been all through the trying year perfectly consistent, who had kept secrets without dissembling, had avowed purposes, yielded to argument, offered or submitted to accommodations, saved the King from premature coercion, refrained from corruption, disclaimed all menaces, now discovered that the Chief Baron of the Exchequer had formed a party on purpose to supersede them in the conduct of their own great measure.

No doubt there were many Tory lords simple enough to believe their crafty leader, when they were assured that it made no difference to the Ministers whether they took the clauses of the Bill in their own or in his order. He was, forsooth, a judge, not a partizan ; an amendment, proposed by a lawyer who held for life a salary of 8,000*l.*, could not be meant to trip up the Cabinet ; Lord Grey could not be so touchy as to resent this meddling ; with so precarious a majority as he had mustered in April he was bound to be complaisant ; a little humiliation would be good

for him ; he must be content with an Act to amend the representation of the people, which would not foment the disease they called democracy.

Lord Lyndhurst, without previous notice, moved that the Committee should begin with the clauses which enfranchised places hitherto unrepresented. Lord Grey promptly refused his consent to this, and plainly indicated that he should, if it were pressed and carried, treat it as an act of hostility to the Reformers and their Cabinet. Some called this flying into a passion. His colleagues, who had experienced his rare patience, approved with one mind of his peremptory assertion of right. For many months he had held back those who were for overawing and subduing the Tory peers. He had listened with the utmost courtesy to Sir James Graham in the autumn, to Lord Althorp in March, when they spoke of resigning if the House was not brought into sympathy with the nation by the addition of new Liberals to the strong Whig minority. No one could have been less opinionative, more respectful to subordinates, more deferential to the King, more tender towards the natural sensitiveness of his brethren. He had done all he could to obviate the sad necessity for making his party stronger in the House. In a letter to Lord Althorp, two months back, he had gently set forth his wish to put off the application to the King for a reinforcement of Whig peers till after the second reading of the Bill. He had trusted to the Lords Harrowby and Wharncliffe, and to the loose engagements to which they had done their best to

bind their proselytes. He had foreboded a good deal of vexatious delay in Committee, and had contemplated the making of peers as the regulated opening of a sluice to float a barge off a sandbank in a shallow river. And now he turned fiercely on the Opposition, having convicted them of plotting to degrade him. He was as pugnacious as the Russells and Stanleys of the generation younger than his own. Like them he was direct in his thrust; but his noble haughtiness had scarcely any touch of sarcasm. He was so completely master of himself that he uttered no specific threat. He made the Wharncliffes feel that their coalition with the more egotistical leaders of the Tories would have painful consequences, but he left them to imagine what would be done by himself.

Of the hundred and twenty-eight who had divided for the Bill in April ten were either absent or on the other side on May 7. Instead of a hundred and twenty-six there were a hundred and fifty-one Tories present, being one more than were present on the same side at the division of October 8, 1831. There had been slight ebbs and flows amongst the infirm lords who voted by proxy; but the active Opposition was in May just what it had been in October.

Those who had blundered into a victory discovered in the course of three days that they had challenged the House of Commons to a critical battle, and that the Commons, by being sufficiently angry, sheltered them from the resentment of a mass of

fellow-subjects so huge and so closely united that it might be called, with unusual correctness, the nation. Quiet noblemen, who had just come up from the country, had lounged into their chamber, had been detained to listen, bewildered by the emphasis of the talk, and hurried into a party vote, must have been surprised on the morrow to find that they had been playing at revolution.

Mr. Macaulay called the period from May 7 to 17 'our glorious ten days'—more truly glorious, he thought, than the three July days of which modern France boasted. Mr. Henry Cockburn, of Edinburgh, wrote in his journal that it was a time of 'terrible silence,' in which the people remained calm in 'unconquerable resolution,' and it was quite certain that 'if any accident had made resistance begin anywhere it would have run like an electric shock in a moment.' Mr. Greville notes how, in this time of painful suspense, the King gave a dinner to the Jockey Club and delivered, as was his wont, a series of absurd speeches. The biographer of Lord Althorp relates how that good man employed his short release from toil in buying plants at a nursery-garden, and packing them for carriage to his dear country house.

In modern Britain it is quite possible for millions of men and women to be intensely eager for news about Government, and yet to go about their business and their pleasure just as tranquilly as usual.

If it is true that, pending the fate of the Grey Cabinet and the Bill, the King's cavalry soldiers were sharpening their swords to smite Birmingham Radi-

cals, and that Catholic priests and grave Quakers were joining the political unions for fear they should seem to be neutrals, and thereby encourage the Tories, it does not follow that horses were not trained as usual for the Epsom races, or that musicians hung up their fiddles, or that titled dames gave over the study of their visitor-lists. It is on record that a great gathering of ordinary Englishmen departed so far from the national habits as to sing, in the open air, a hymn of solemn aspiration, and to repeat, after a chosen orator, a form of words called an oath, by which they 'devoted themselves and their children to their country's cause.' It is also on record that the Funds did not fall; this is taken as a sign that the most inquisitive and best-informed speculators in London, of whom some were not of British birth, were not afraid of a revolution.

It has been said by a good politician that in this famous week a revolution actually commenced. Like other questions, perhaps like all questions, this is a question of degree, whether a revolution did or did not commence. But in the critical study of history an answer is best given to such a question by those who have agreed upon a definition of the term on which the inquiry hinges. Such a definition, in political theory, does not pretend to be as exact as a definition in mechanics or the like; but it may, perhaps, be nearly as exact as a definition in law. Revolution presupposes the existence of a people which holds together; the cohesion of a people implies the existence of a sovereignty; a revolution

is the forcible transference of sovereignty from one person or persons to another or others. For many centuries after the inhabitants of England had become a coherent people revolutions were effected by dethroning monarchs and substituting other monarchs, sometimes after levies and fights, at other times without the sound of any weapon but the headsman's axe. In the middle of the sixteenth century, when the nominal monarch was a boy, the real monarchy was transferred from one lord to another by force ; yet it is not customary to call this a revolution. A hundred years later Charles I. lost the sovereignty, and a considerable body of gentlemen, with and without titles, took it by a series of deeds, of which the first was a vote which deprived the King of the command of the militia, the last was his imprisonment ; this series of deeds made up a revolution, but is commonly called 'The Rebellion.' This dethroned King's second son was forced to abdicate ; and a body of gentlemen more considerable than had ever acted together before transferred the sovereignty to a person freely chosen as the worthiest ; this is, for England, the typical revolution. Subsequent generations witnessed two serious attempts at revolution, which had been guarded against by special statutes, and were defeated by the reasonable obedience of the people to these recent ordinances. By many changes effected without violence the sovereignty was transferred from monarchs (generally called kings or queens) to aristocracies varying in composition. The aristocracy which governed and represented the people

in 1815 was mainly a body of landholders, very closely connected with the profession of the law, and accustomed to associate the idea of government, as closely as it ever has been in any country associated, with the idea of legal procedure. The change which began in 1830, and reached a critical period in May 1832, was an expansion of the aristocracy, accompanied with a legal determination of its limits. The sovereign aristocracy was going to be a counted and registered body of full-grown males, of whom some were to have, if they liked, more than single votes. Although minute and precise legality was characteristic of this change, nevertheless it was intended to leave much undefined power in the hands of the monarch, and of all men who had social influence. The change was neither furthered nor hindered by the acts of violence committed during the fifteen months spent on it.¹

Now the remarkable fact, at which those who value the State as the work of man's mind will ever rejoice, is this—that in the final catastrophe of the Reform drama there was no fighting, no intimidation, no forcing.

Except some few fools who, as the King drove through a Middlesex town, threw mud at his carriage, and some others who wrote and printed coarse words about him, his wife, and his children (who were not his wife's children), the common people remained, as Mr. Greville bears witness, 'fear-

¹ From March 1, 1831, to June 7, 1832. Strictly speaking, the Reform period ends, not in June, but in August, when the Acts for Scotland and Ireland became laws.

fully quiet,' trusting, it seems, to the better-educated citizens to do all that had to be done. The educated citizens of Britain generally supported the three hundred genuine representatives in the House of Commons. Many felt that neutrality, or even the appearance of neutrality, was dangerous ; by throwing themselves into the indisputable majority they brought about that approach to unanimity which disarmed the minority. Yet there were noticed, here and there, certain anticipations of civil strife.

In Hampden's county many 'respectable inhabitants,' known to a Mr. Smith, who became under the Whigs Lord Lieutenant of Bucks, said that in case of disorder they would not act as special constables. In Hertfordshire, a small county in which a descendant of Elizabeth's Minister held a mansion regarded by the gentry with reverence, certain volunteer soldiers of the Ware troop of yeomanry resigned their honourable swords, because they thought it would be wrong to wield them against insurgents clamouring for Reform. In Birmingham, which was garrisoned by two troops of regular horse, the magistrates told the General in command of the district that they knew of no man ready to help the soldiers against rioters. A petition was signed in Birmingham which said in dry legal language that the Reformers were likely to arm themselves.¹

¹ There were also two companies of Foot at Dudley. Such a force would have been considered anywhere but in Britain or the United States ludicrously inadequate to overawe any big town ; and Birmingham, above all towns, was full of weapons and of men likely to use them against the soldiers.

Some poor but thrifty people drew their money out of the Savings Banks, fearing their insolvency on the abolition of the Government, whose creditors they were. About a million sterling was taken in small sums from the gold stores of the Bank of England ; and it was inferred that those who cashed their bank-notes were frightened. There were of course some mischief makers ; of these the most malignant were the sneaks who posted on walls a printed exhortation to ' go for gold,' that is, to bring about by design the panic which had been produced by circumstances in the year 1797. Such placards ought to have been stript off the walls by the police ; and those who put them up ought to have been punished under the elastic law of conspiracy. But these incendiaries of finance utterly failed to alarm the traders.

A year earlier the bulk of ' City men ' had sided with the Anti-Reformers. During the final week of suspense the voice of ' the City ' was clear and loud in bidding the Commons persist in Reform. Solid and prudent men were convinced that there was nothing better to be done than to side with the four hundred Liberal members of the Lower House and the hundred and twenty Liberal peers, and to stop the flurry of the seventy or eighty peers who were angry and obstinate. London and the other cities were far less uneasy in May 1832 than in the autumn before ; persons and houses were safer. The excitement about Ministries was wholesome for all classes ; it made the producers and retailers of commodities much more high-minded than they had been, because

it gave them a daily sensation of civic dignity ; it was good for the luxurious consumers of wealth, because it turned their thoughts from Asiatic cholera.

Mr. O'Connell had undertaken to keep Ireland quiet during the General Election. He now left Ireland to itself ; and it was silent about Reform. He came to London, spoke to some Westminster householders, and, since Queen Adelaide was believed to move the courtiers and her husband against the Ministers, he pointed out that a King of England had been beheaded for taking the advice of a foreign wife ; language no doubt savouring of treason, but not likely to disturb William and Adelaide.

Apart from the froth of language there were measures taken both in and out of London to ensure the passing of the Bill. A revolution would have substituted something else for a regular Act of Parliament. Those who unswervingly pressed the enactment, even if they constrained the King and the lesser powers of Parliament, worked nevertheless within the grooves of constitutional law, and wanted no irregular allies.

The Whigs had not, of late, been taking counsel how to carry the Bill. The Whigs in the Lower House thought their work was over. The Ministers had trusted to their chief to get the Bill through the Upper House. It was a surprise, but not a cruel disappointment, when Lord Grey decided off-hand to quarrel with the Lyndhurst party, and to coerce it. As soon as the rupture was completed by the division in which the Trimmers voted with their old friends,

the First Minister called together all the Cabinet Ministers who were at hand, and in the Chancellor's private room they agreed to resort to the King, and to employ his prerogative against their adversaries.

It was now necessary for Lord Grey to remind the King of promises made in the earlier days of his reign. He had promised to grant peerages, if without them Reform could not be effected. This covenant had never been reduced to form, but the deed was inchoated in letters. Since half the Cabinet disliked it, and many of the best Whigs outside the Cabinet shared the scruple, and the Trimmers were sure the Bill, in some shape, would pass the Lords, the promise had been laid on the shelf; and there had been for many months increasing symptoms of estrangement in the King's behaviour, which made it inexpedient to press on him his imperfect pledges. He was now tired of the Ministers. They were inevitably his taskmasters. Lord Grey was patient and courtly beyond example, but he was not a cringing worshipper of the Crown. If left to himself, William would have given himself ease by changing his harness. Forgetting how he had been a few years ago humbled by the Duke of Wellington, he would have been glad to get behind so great an authority as his. He would have liked the polished dexterity of Lord Lyndhurst at least as much as the more vulgar coaxing of his actual Chancellor. But he was not left to himself.

Sir Herbert Taylor, who was a Tory, and would have voted against the Bill at every stage, was con-

vinced that it was not safe for his master to be answerable for the rejection or delay of Reform. This upright councillor kept his place behind the throne, undisturbed by women and favourites. Therefore, when the Lords Grey and Brougham went to ask for permission to make peers, carrying with them, perhaps, a list of heirs-apparent to peerages and of eligible country gentlemen, they had a reasonable hope of success.

They failed. It may be imagined that they were not mortified by the failure. The whole Cabinet, including the Duke of Richmond, who still scrupled about the new titles, tendered the resignation of their offices ; and they were of course followed by the thirty or forty gentlemen who held appointments under them, either in the working offices or in the royal household.


It does not appear that Lord Grey was asked by the King for advice as to his successor. The person sent for, and consequently presumed to be furnished with authority to make up a new Government, was, contrary to all precedent, the Chief Baron of the Exchequer, Baron Lyndhurst.¹ According to the ruling of his former patron, Mr. Canning, he was to be Prime Minister, because he was the first man consulted by the King as to a new Ministry. He told his own people that he was going to be again Lord Chancellor ; others were led to believe that he was going

¹ All the judges of the Court of Exchequer were called Barons, but were not therefore Peers. Lord Lyndhurst was made a Baron, that is, a Peer of the lowest grade, not when he became an Exchequer Baron, but when he became Chancellor in 1827.

to remain at the head of a law court, after making up the nucleus of a Cabinet. What passed between him and the Court is not revealed ; in the absence of evidence it is surmised that he was quite prepared by recent communications for the devolution of political chieftainship and patronage.

The independent Whigs were less ready for action ; yet, when Lord Althorp came into the House of Commons on Wednesday, May 9, to report the demise of the Government, he was greeted with cries of admiration and affection by an unflinching troop of Reformers ; and, although about seventy were absent, there were enough present to justify immediate action.

In the preceding autumn there had been displayed by the Ministers a grave forbearance which some of their fervent supporters called feebleness ; and there had also been a spontaneous display of energy made opportunely by an independent county member, Lord Ebrington, who rendered peculiar service to his party without holding office. Twenty years before, this good Whig had gone to Spain, though a civilian, to help the Spaniards in their resistance to French conquerors, and he had not lost his enthusiasm for justice and freedom ; but he knew when to be angry and when to be pacific. As in October, so in May he acted, apparently without consulting his friend, Lord Althorp, as the leader of the Whigs, and consequently of the Commons, in supporting the Reform Ministry against the House of Lords. Like Lord Althorp, he held by courtesy an aged father's second title, and was within a few years of succeeding to an



earldom. He is named as one of those who would have anticipated this inheritance by accepting peerages if they were called upon by Lord Grey to help him with the Bill. He knew with more certainty than the outside world that his admission to the Upper House was one of the things contingent on the King's decision. In going from the Lower to the Upper House he would have served his party and the nation, but he would have given up for ever the highly-prized honour of representing his county, an honour from which his Liberal opinions had in former Parliaments excluded him. To become a peer before one was by inheritance compelled thereto was a thing by no means pleasing to a man of spirit who could hold a seat as a representative of the people.

The making of peers was in every one's thoughts, but it was to be avoided in parliamentary speaking. It appears that even in that week of 'crowded life,' when politicians took the deepest draughts of passion, there were Whigs who knew how to refrain from menace and from egotism. When the cheers which greeted Lord Althorp had died away, he told the House that he and his colleagues held office only till their successors were appointed. Then Lord Ebrington gave notice that he should next day move an address to the Crown on the state of affairs.

Lord Althorp made some attempt to deprecate this action. But when the Ministry is suffering from the behaviour of the Court or of the Peers, the ministerial leader of the Commons does not expect to be obeyed. The deprecation was taken, not as insincere, but as

a half-official compliance with the exigencies of the 'King's service.' These forms soften party government, and their filmy elegance is ornamental.

Lord Ebrington next day said only just enough to indicate that the King was expected to take back his Ministers and help them to pass the inevitable enactment. His motion was seconded by a younger man, who had voted in all the futile divisions of July 12-13, and who, forty-five years afterwards, contributed his recollections to the best account of the Reform Sessions. This was Mr. Strutt, who in due time became a peer, taking his ungrudged title from the place in which the Strutts worked their power-looms. He was therefore one of those gentlemen who reinforced the aristocracy without ceasing to lead a productive class of skilled workmen. Partly because he was young, partly because he was not yet touched by the wand of fashion, he inveighed with becoming and seasonable vehemence against the Anti-Reformers who seemed to be baulking the people and resuming power. He protested against the absurdity of letting the enactment of a change in the representation pass into the hands of those who had so obdurately denied the expediency of a change. In this speech, which was ornate and lively, he forestalled by a few days the indignation of his comrades.

Parliament would be insipid, if all speakers were as cautious as the mover of the address carried on May 10. The seconder, probably, was not aware, as the mover was, that the address was not going to be supported so well as the corresponding motion of

October 10. Earnest as the Reformers had seemed to be, they formed a mixed body, and in this body there were, by the decree of nature, minds of some looseness and inconstancy. The records of the famous Parliament which voted the Grand Remonstrance showed how, even when stung by the sense of injury and inflamed by theology, English gentlemen were tempted to fall away in the course of a long quarrel with monarchy; and many of the patriots who welcomed King William III. on his arrival were inclined a few months later to make it up with James. Monarchy, even in the form it took after the sons of George III. dimmed its lustre, had a charm; and, as soon as it was known that William and Adelaide were out of humour with Earl Grey, it became rather difficult for some respectable members of Parliament to resent the overthrow of the Earl, and rather easy to make believe that they were doing their duty in becoming neutral. Only four men voted against Lord Ebrington who had voted with him in October, and he numbered two hundred and eighty-eight, carrying his motion by a majority of eighty—which was enough. But the majority was less by fifty-one than in October. If in the middle of May not more than five hundred members of the House could be brought together, either there was a cooling of the zeal for Reform, or a misinterpreting of Lord Althorp's gentle remonstrance, or a nascent belief that the Tories, having the Court with them, were to win the day, or, as is on the whole most probable, a qualmish sinking of the spirit at the thought of offending the King.

The excited Reformers elsewhere, who were not likely ever to go to Court, proceeded to print a list of the members who had failed them ; and it may be surmised that many letters of expostulation were written, and some forfeitures of support threatened. But this considerable drawback to the perseverance of the glorious party has not been allowed by historians to shade their picture.

It seems a pity that the majority was diminished at the very time when the Commons had to assert their supremacy. But it is a lesson for politicians ; they are bound to keep in mind the difference there is between the multitude and the elect. The multitude seems, when in paroxysm, courageous, because it seems irresistible ; but in truth courage is rare, and inconstancy has many shifts and disguises. The adept in politics distinguishes between those who do, and those who do not, play the game with a strong wish to win. There are many men of honour who, though they join in an enterprise, and will do nothing pusillanimously, nevertheless are at times inclined towards defeat, and are ready, before they need, to wrap their cloaks round them. The managers of party divisions are called 'whips,' because by a neat similitude they are said to keep their partizans together as grooms armed with whips keep together the hounds that pursue the fox by scent. These officials, like the lads whose title they bear, make a close study of tempers or hearts, and when their pack is in full cry they are on the look-out for laggards.

However, there was, on May 10, a sufficient defiance of the Court, a satisfactory approval of Lord Grey's demand, and a solid warranty of perseverance ; and, supposing thirty of the Whigs who then voted were in a few days sent into the other House, it was certain that their places would be filled by Reformers less fashionable, perhaps, but not less accomplished or less respected.

Three more days were spent in looking for signs and listening to rumours. If some Tory memoirs were published they would give amusing accounts of interviews and letters. If M. de Talleyrand's papers were unsealed they might show that he, the old ally of the Duke of Wellington at Vienna, was now sneering at the thought of the Duke's return to office ; to him at least, if to no other foreigner, it must have appeared a ridiculous thing that Lord Palmerston, who was keeping England in the van of the nations, and stemming the flood of Russian cant, should be tripped up by an intriguing judge, and that the serious business of thwarting Nicholas and helping Leopold should be interrupted by such trifles as rotten boroughs. It is known that a political lady, a foreigner, who had done a good deal to annoy the Duke when he was Prime Minister, now favoured his claims, because he was thought less willing or less able than the Whigs to check Russia.

The efforts made in London houses to put together a Cabinet which would silence the British people show at least that the high Londoners were not overawed by that solemn unanimity which the other towns dis-

played. The Tories closed their ranks. They had a club which took to itself the epithet 'Conservative.' Here they held a feast on the Saturday of the anxious week ; and, although it was but three years since they had split into friends and enemies of the Duke, they came together with such accord in the certainty of his being their only possible chief that no other pretensions, not even those of the Speaker, whom Sir Robert Peel was believed to nominate as his substitute, survived the evening.

The Duke had been thought to ruin the party twice : first by letting in the Catholics, secondly by slamming the door in the face of the Reformers. But aristocracies are forgiving ; and a lord who sticks to his place in society need not despair of recovering his place in his party ; he is for a time out of the game, but if he stays in the room he may hope to resume his seat at the table.

The Duke's protest, dated April 17, was distinctly against the principle of the Reform Bill, not against the measure of change, not against any excess. On May 14 he was actually forming a Ministry which was to bring forward a Reform Bill. His excuse for this self-contradiction was that Sir Robert Peel refused to form a Ministry ; that there must be some Ministry ; that the Tories who were ready to serve the Crown were determined to save the country from disorder and the King from insult by making a change in Parliament, less violent than the change which the Whigs had urged, but more sweeping than had ever been imagined before the year 1831.

Eighteen years after the Duke was buried, Earl Russell, pausing between the outer and the inner court of death, wrote that he was sure the Duke acted in May 1832, as at all times, 'from conscientious motives and a high sense of honour,' and 'was actuated only by undeviating loyalty to his sovereign.' But, at the time, Lord John Russell, having kept away from a Whig meeting at Brooks' Club, in which Mr. Stanley raged against the Tories, and, refraining in debate from all exaggeration, said with dry bitterness that Sir Robert Peel did right in keeping aloof from a Ministry into which 'honour could not enter.' The best opinion is that the Duke's motives were neither purer nor less pure than the motives of modern English statesmen generally; that he went to the King under the advice of friends who should have been wiser. He was at this time so far detached from Sir Robert Peel as to be more in the van of political movement than was good for him. The question may be asked not unprofitably, whether, in drawing back from the rash advance into which his flatterers led him, he yielded, as the historians have said, to the threats of the great towns, or to the remonstrances of those disinterested Tories who were not in league with Lord Lyndhurst.

On Monday, May 14, exactly seven days after Lord Lyndhurst's mine exploded, the two Houses met to hear reported the issue of such conferences as the King had held with his Tory councillors. A leading Tory stated to the Lords that a new Ministry was forming; on this ground he got them to adjourn

the consideration of the Reform Bill. This meant that the new Ministry required time to consider what should be done about a Reform Bill; but it was understood that the Whig project would be superseded. This announcement was heard by a Radical member of the Lower House, and by him reported to his friends in the course of their discussion, and at a stage of that discussion at which it caused surprise; for the Tories in the Commons had been less positive about the existence of a new Ministry, and had at once encountered two sorts of discouragement. They were disappointed first, by finding that Lord Althorp did not at all approve of their undertaking the Government as Reformers; secondly, by hearing themselves blamed by Sir Robert Inglis, the best of their partizans that did not wish for office. Mr. Alexander Baring, the financier and free trader of 1815, became, in default of Sir Robert Peel, their leader; next after Lord Lyndhurst he had laid the foundations of the new Cabinet. He tried to justify himself and his friends in taking office as Moderate Reformers. Having been an independent supporter of Tory Governments, and too great a man in the City to need office, he was as fit a person as any that could be chosen to throw a hue of patriotism on the new flag of the Church and State party. He was perhaps armed by self-approval against the fierceness of Lord Ebrington, though Lord Ebrington on this Monday was far more hostile than on the preceding Thursday. He was aided by the good soldier Sir Henry Hardinge, by the tena-

cious ambition of Sir Edward Sugden, and by the sympathy of the Speaker. He spoke four times. The storm was not lulled by any of his incantations. The house was crammed full ; and the Duke's men were utterly unable to rule the passions of the assembly. Sir Robert Peel, who, even when out of office, could always moderate the Commons, left Mr. Baring to buffet with the springtide of resentment. It was the wildest night of the three Reform Sessions. The coarsest Radical was free to say what came uppermost ; and Lord Lyndhurst was bespattered with rhetoric suited to the hustings or the pillory.

It must have been perplexing to such a man as Sir Henry Hardinge to find that, in the judgment of so good a man as Sir Robert Inglis, he had been doing wrong. Printed memoirs show that he was, at least at a later day, the nearest friend of Sir Robert Peel ; and to this great master of Parliament it must have been quite clear that no Tory had a right to bring forward a Reform Bill. It is said that in the misfortunes of one's best friends there is always something that one relishes ; and perhaps it is the same with their errors of judgment. The leader of the Tories, who was to be the founder of the Conservative Party, might have kept his friends out of a quagmire ; he only drew up his cloak and stepped aside.

The debate, which was from beginning to end action and strife, brought about the frustration of the Lyndhurst plan. There was no motion before the House on which it had to divide. The question at

issue was whether Mr. Baring would acknowledge error ; and this he did ; for he ended by calling on Lord Grey's Cabinet to resume, or rather to continue, the discharge of its duties. When the House broke up, he went, with the Speaker, to report to the Duke that he could not face the Commons ; and on this report the Duke acted.

The country politicians, and the historians who have made the most of the bloodless insurrection against the Duke, seem to have been somewhat in the dark about the indignation of the Parliament Whigs, the fury of the Radicals, the secession of the Inglis Tories, and the humbling defeat which these powers, combined for one night, inflicted on the ambitious Lords. It is no doubt right to dwell on the solid and tranquil obstinacy of the Reformers outside Parliament, who gave, in those seven or ten days, by a crucial experiment ample proof of their fitness for being taken into council. But it is right also to note how summary was the jurisdiction of the House of Commons ; how it was able by undesigned confluence of opinions to work out in a few hours the exposure and the condemnation of a sinister policy.

On the seventeenth of the month the Duke of Wellington came to the House of Lords, which then met after three days' adjournment. Without referring to any accounts given in the newspapers of incipient rebellion, he said that Monday's debate in the Lower House convinced him that he could not form a Government acceptable to the country. This was the second mortifying defeat that he underwent in a

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before his servants. But it is not to be wondered at that others, to whom his magnanimous reserve was precious as part of his character and of their inheritance, were more vexed than himself at Lord Brougham's engrossing the honour of such ascendancy.¹

The document which, it is said, the King drew up with his own hand in the presence of Sir Herbert Taylor, and handed to one of the two Ministers, is this :

Windsor: May 17, 1832.

The King grants permission to Earl Grey and to his Chancellor Lord Brougham to create such a number of peers as will be sufficient to ensure the passing of the Reform Bill—first calling up peers' eldest sons.

WILLIAM R.

The importance of the statement made about this document by those who have written history for Lord Brougham consists in the implied distrust of the King's parole promise. The document itself may have been wanted, first, to show to the Cabinet; secondly, to show in case of urgent need to leaders of the Opposition privately. It is credible that Lord Grey reckoned on being able to manage without

¹ A Tory peer, who published 'Histories,' was heard to say, in company, that William IV. gave leave to Lord Brougham to make peers; he was plainly told by one who overheard him that the permission was given to Lord Grey. He accepted the correction; not many weeks afterwards he made the same statement in the presence of the same person. 'Invincible ignorance' is not burdensome to one who carries anecdotes about from house to house. But if an historian, living in a critical age, is so fortified against testimony, and so tenacious of a misconception, what reliance is to be placed on the hearsay carried by mendicants and received by monks? and is not this the stuff out of which mediæval history is woven?

acting on it publicly. He certainly did not reveal its existence to the Peers on the day on which it was signed. Some of them tried hard to force him into the attitude of an usurper, to make him odious to good people by confessing that he had intimidated the Sovereign. They behaved like the old maid dwelling in a town taken by storm, who, having locked herself up in her room, put her head out of window when tired of waiting, and insisted on knowing when the atrocities were going to begin. They were sure they were going to be deprived of free debate; they would never enter the House after it was violated. All that they could get the Earl to say was that he would not be Minister unless he carried the Bill.

Meanwhile Sir Herbert Taylor was saving his royal master and the Tory peers from all indignities. He got leave from the King to write to several Tory lords. He asked them, in the King's name, to stay away from the House, and let the Ministers push the Bill through Committee. He abstained from directly saying that, if they refused, they must expect a rush of heirs-apparent, and eligible squires, and an unseemly crowding of their benches. He took care to avoid the appearance of acting on evil precedents and calling on 'the King's friends' to do his bidding. He betrayed no sign of eager anxiety. He wrote as a man of authority, but with no affectation of courtly reticence.¹

¹ One would like to know how many copies of this note were sent, and at what hour they were delivered. As the King was at Windsor, there could have been no time to spare.

On Friday, May 18, Lord Grey came again to the House, and his language, though guarded, showed that he by this time felt sure of carrying the Bill. Next day the country was relieved from suspense, and there was joy everywhere for the restoration of the wise and brave Government.

It is noticeable that the discipline of the Cabinet was not broken in this trying week. No one separated himself from the body. No one spoke, save the two leaders, each in his own House, and Lord John Russell. Egotism and babbling were suppressed. Deputations were not encouraged. Female politicians were not supplied with materials for their verbal embroidery. The editors of newspapers were not breathed upon by oracular gnomes. Every weakness, every machination, to which ordinary men of talent and ambition resort, was escaped by the singularly noble statesmen, Lord Grey and Lord Althorp.

That these men were the necessary rulers was implied in Sir Herbert Taylor's note, and felt by the earls and barons. Lord Lyndhurst and his supporters perceived that they could have hardly anything to do with that legislation which on May 7 they had laid presumptuous hands on.

However, the honour of the Upper House was saved by a little discussion and a few reasonable amendments; the honour of twenty-two peers, whose names need not be given, was perhaps thought by themselves to be saved by their voting against the Bill after it came out of Committee.

On June 5 the Bill was sent back to the Commons, and they agreed to the amendments.

On the 7th it became law. The King did not come to the Parliament House, but sent commissioners to go through the form of assenting to the enactment. He had ceased to be popular, and he could not have recovered popularity by behaving as if he had reverted to the Liberal notions of his first few months.

It was not till August that the Scottish Reform Bill became law. It was extremely important, since the Scottish people was now for the first time enabled to put forth its peculiar character ; yet it was so gently discussed that the historians with one accord have slighted it. There was no Scottish O'Connell, no Scottish Croker ; therefore everything was done soberly and courteously.

Over the winning of her liberties Edinburgh rejoiced earnestly. There were men of strong thought and abiding sentiment still alive and able to walk in procession, who had been Reformers forty years and had gnashed their teeth at the excessive punishment inflicted by the Dundas oligarchy on Scottish Reformers, Muir, Palmer, and Gerald. They were content to lift a black placard inscribed with these three names amidst the banners of triumph and gratitude. It would have been dangerous to refuse to keen and narrow minds, which would not forget, that opening of channels and pathways which was secured by political representation.

Mr. Jeffrey, Lord Advocate, after fourteen months' attendance on the Cabinet, returned from London to

Edinburgh, and was welcomed as the maker of a new and satisfactory machinery. Every Scottish Tory, who meant to try for a seat in the improved House, made a profession of Liberal opinions. Country gentlemen perceived that they would retain power if they were respected by their tenants ; now that the tenants had votes, and the ten-pound householders in villages, if owners of their dwellings, were to vote for the counties, it behoved the 'lairds' to exert themselves ; they must vie with one another in farming, and in every branch of rural economy. There was amongst the tradesmen of the towns a passion for the occupancy of land ; if one could not buy a farm at least one could get a twenty years' lease and put one's savings into the drying and the pulverizing of the soil. Many men pushed into the outer circles of the landholding aristocracy, which was now set in the place of the oligarchy. That Scotland, which London sportsmen on their way to the mountains imagined to be just like the valley of the Trent, became as political as it had been theological, and this without ceasing to be theological ; almost every habit of thought was more earnest than in those English counties which a superficial observer confused with it. It became harder for a Lowland gentleman to keep his place as a leader of a neighbourhood than for a squire in Lancashire or the Midlands, not because there was a growing dislike of gentlemen, but because there was a rapidly increasing throng of aspirants to gentility, and because there was more free filtering of town into country.

No Tory writer, however voluble and subtle in vilipending the motives of Reformers, and the results of their success, ventured to deny that the creation of a real representative system for the strong people dwelling to the South-East of the Grampians and to the North of the Cheviots was an inevitable and health-giving process.

In Ireland it would have been on the whole better had there been no representative system at all. It was difficult to form constituent bodies for the counties, that a man of spirit and intellect could deign to treat with any deference ; and there was no town free from tricks and absurdities which spoilt elections. Many of the counties deserved to be treated like Jamaica ; most of the towns required the same impartial enforcement of order as Benares. The old Irish House of Commons was a travesty of the British House of Commons ; as a specimen of a representative chamber it would certainly not have been noticed for imitation by the Liberals of Italy, of Spain, or of Hungary. The Irish Members, so long as they were exclusively Protestants, represented only that cobweb of families which considered patronage to be the end, as well as the means, of Government. In the two short-lived assemblies brought together after the emancipation of the Catholics, the majority of Irish members did good service to the United Kingdom, in so far as it supported Lord Althorp in carrying the English Reform Bill ; this useful voting was due to the shrewdness of Mr. O'Connell. But as soon as he had thus established a claim on the

Ministers, he began to impede government ; and, as soon as he ceased to oppose the Whigs, he made them odious to the most decent people in England, inas-much as the Tory writers told them that he was in league with the Whigs for bad ends, and his reputa-tion justified the suspicion.

It was, unhappily, quite impossible to purge the United Parliament, or to take the thorn out of the flesh of Liberty. It was destined that a hundred and five men, of whom a majority was sure to be generally inaccessible to fair argument, should sit and vote with the five hundred and fifty-three comparatively wise Britons.

Logical consistency, to which Englishmen are supposed to be not much addicted, required the Whigs to shape the Irish Bill on the same prin-ciples as the other two Bills. It was too fan-tastic that seventeen Irish boroughs, containing a hundred and seventy thousand souls, should be said to elect their members, if, as Lord Plunkett averred, the members were nominated by seventeen persons. So the franchise was given in these, as in all other, boroughs, to ten-pound householders of all kinds ; and as there was only one Irish town, Belfast, in which the people were as well housed as in Britain, the qualification now required was calculated to exclude a great proportion of townsfolk. But in the counties voters were required by the Bill either to own land worth ten pounds a year, or to occupy land worth ten pounds a year on a lease of twenty-one years. This was thought by Mr. O'Connell, by some

English Radicals, and by an Irish Whig, Sir John Newport, to be a narrow restriction ; and nineteen years later, when it was found that there were in all Ireland only seventy-two thousand electors, Lord John Russell's Ministry had to amend the law. But at the time there was a wrangle about the Irish county suffrage between Mr. O'Connell and Mr. Stanley, which seems to have arisen out of bungling and obstinacy.

Mr. O'Connell pointed out that the recent statute which disfranchised the forty shilling freeholders of Ireland was out of keeping with the English law which dated from the reign of Henry VI. and was deliberately confirmed by the English Reform Bill ; for the Irish statute, though intended to take the suffrage away only from freeholders of imperfect estate, actually took it from freeholders of perfect estate, or holders of land in fee.¹ It seems probable that the Tory authors of the Irish statute believed all the forty shilling freeholders to have the imperfect estate, and to be therefore unlike the English forty shilling freeholders. If so, it was not unreasonable to expect that Mr. Stanley would rectify Sir Robert Peel's mistake made in 1829, on its being pointed out and verified. Instead of this he so bore himself in the debate as to enable listeners to say

¹ Sir Erskine May says that 'according to the law of Ireland, freeholds were created without the possession of property.' This is not quite intelligible. Mr. O'Connell is reported thus : 'In Ireland the forty shilling freeholders were divided into three classes—those who were proprietors in fee, those who held land for two or three lives, and lastly those (and this class formed the great bulk of the voters) who held for a term of years, and had an annual interest to that amount in the land.'

that he threw over the suggestion merely because it came from Mr. O'Connell.

Be this as it may, an inequality between Irishmen and Englishmen was kept up by the legislators of the year 1832; and, although they had not made a point of being symmetrical, they might as well have made the county franchise in Ireland square with the county franchise in England; for at the best they could not help giving over the counties of three out of the four Irish provinces to indigent and priest-ridden cottiers.

The Irish Bill was discussed earnestly by the Peers in July. The Duke of Wellington argued against it with an argument which, if valid, condemned his Act of Catholic Relief. Lord Plunkett, in defending the Ministers and also their predecessors, said that the forty shilling voters were disfranchised not because they were Catholics, but because they were too poor to be independent. It was clear that the Bill did not turn the quaking bog of Irish freedom into firm land.

In June and July, when Reform was secured, the King rescued, the House of Lords humbled but lively, politicians for the most part were getting ready for the General Election, which was to follow the session; and the session lasted only till the Government had finished, by help of paid commissioners, the laborious arrangement of boundaries for boroughs and for divided counties.

If the great towns had their historians, there would be pleasure and instruction to be got from

records of virgin boroughs, then for the first time choosing amongst suitors, of searchings for manufacturers that would do credit to their birthplaces, of new postures taken by experienced candidates called upon to face new sets of questioners, of efforts made on the one hand to restrain vulgarity, on the other hand to escape from promises about specific measures, and from confessions of definite religious opinions. This at least may be observed, that there was no trepidation amongst the gentlemen of birth and fashion in the prospect of encountering what they had been taught to call democracy ; and that no one, save Mr. Croker, placed the regenerate Parliament under the ban of his implacable displeasure.

XXXVII.

ON May 14, 1832, the day on which the Commons fiercely deterred the flexible part of the Tories from making a Cabinet and a Reform Bill, Lord Palmerston wrote a letter to Leopold, King of the Belgians, which he dated from a private house in a London street, and not from the Foreign Office. He wrote with the authority of a Minister, although he was not transacting any but formal business as Secretary of State. . The rupture with the Court was due to the failure of a proposal to which he had been one of the last to consent. But he loyally shared the fortunes of his chief, and to the fresh but strong obligation of one who had definitively joined the Whig party he

seemed to be sacrificing the supreme good, the opportunity of doing noble work. If the rupture with the Court had not been scarred over, if the Cabinet had not been thrust back into place by Lord Ebrington and his followers, the Foreign Office would have been subjected to the Earl of Aberdeen, who, since he left it in 1830, had more than once stood forth prominently to censure the Whig Cabinet's conduct of international affairs.

The Earl of Aberdeen stands high among those who have shaped the policy of the Court of St. James's ; but he could not have effected so much for the good of Europe and the honour of England as Lord Palmerston effected in the first four years of his Foreign Office life. The two men alternately directed their country's envoys, and shaped their country's threats, promises, and concessions for a quarter of a century ; and, although through the whole of the period they served a nation which was thought to govern itself, that nation's fortunes depended greatly on their characters. And as there is full, if not complete, information open to all the world about their behaviour, and the impressions they made on foreigners who knew them, their biographies, interwoven with European history, form an easy and useful lesson.

If the difference between them is to be rendered in a single expression, it shall be said broadly that the characteristic of Lord Palmerston was his determination to have his own way. In his later days, when he was more prudent, because he had once or

twice tripped, he could not bear to hear it said that England had not had her own way. In his prime, that is, in the days of Lord Grey, he was a good subordinate minister; he was not overbearing with foreigners, he was deferential to the King, he rendered account rarely but ungrudgingly to the House of Commons, he was not arrogant or masterful, but he so managed that his country, absorbed as it seemed to be in domestic legislation, should predominate in Western Europe, and avoid all risk of defeat in Eastern Europe; and, although Lord Grey controlled him, yet to strangers it seemed all along that the Britannic State was Palmerston.

In these years he had to withstand Russia, when the Russian Emperor was as daring and crafty as any despot ever was, with a Chancellor who had been a great man at the Congress of Vienna, and with an army which had just overrun Turkey; he had to watch Austria towering over the petty States of Germany and Italy, and an Austrian minister who, having been nearly equal to Lord Castlereagh in power and to Mr. Canning in subtlety, was still enjoying the use of a puppet sovereign's name; he had to compete with France when exulting in the deliverance of intellect, in the renewal of conquest beyond the sea, in the possession of an army as quick to cross the frontier and as fit to occupy capital cities as Napoleon's army of 1805 or 1815. Lord Palmerston had no army. He could, like Mr. Canning, move the brigade of Guards, with a few squadrons and a few guns, just enough to hold Flushing for

a while. He had joined those who proclaimed peace and retrenchment; nothing but an insult to the flag would have enabled him to ask Lord Althorp to increase the estimates so far as to call out the militia and release the *corps d'armée* with which Lord Hill was garrisoning Ireland.

When a Belgian said, in Paris, to a Marshal who was also Foreign Minister, 'We want Leopold for king,' the Frenchman answered: 'If Leopold enters Brussels, we shall drive him back with cannon-shot;' and the Belgian, who loved France, not England, replied: 'If you do, we will meet you with English cannon.' On what was this spirited reply founded? Merely on the fact that the English navy was stronger than the French. Numerically it was hardly so strong as to hold the narrow seas against France, and at the same time hold the Mediterranean and the Tagus. In skill and efficiency it was supreme; it could be increased indefinitely, but not without long delay in getting crews together; and the Reformers would hardly have tolerated the press-gang. Lord Palmerston's sanguine temperament helped him to count up his line-of-battle ships, and to reckon on the efficiency of the famous Lord Cochrane,¹ who had lived twenty years longer than his popular reputation. In point of fact, the squadron at his disposal was sufficient for blockading and coercing Holland; but he was utterly powerless for stopping the French, because they would have conducted operations on land. Nevertheless, he made it too dangerous for

¹ Earl of Dundonald.

the French to attempt conquest or annexation in Europe. He could not prevent their throwing off one, perhaps the most obnoxious, of the restraints set upon their ambition at the Vienna Congress ; but he substituted a barrier of more ingenious device and of greater durability. He could not fight the great military nation, but he made it follow his lead. He made England, what she had not been in the Wellington Ministry, the first violin in the European concert. In doing this, he made himself more conspicuous and more formidable than the veterans of diplomacy, than the Russian Nesselrode, than the Austrian Metternich, than the French Talleyrand. His masterpiece was also his earliest performance, the making of Belgium ; and, when compared with the contrivances made at Vienna in 1815, and with arrangements made in later times at Paris and at Berlin, the making of Belgium is to be esteemed an excellent product of the art which is studied by European statesmen, the art of securing peace through covenants.

It was a time in which certain literary men were enamoured of a new branch of inquiry, called ethnography, or, as it is pushed in amongst the sciences, ethnology, that is, the theory of races. Inside and behind the structure of a kingdom the students perceived diversities of race, which, so far as concerned songs, ceremonies, and domestic customs, were very interesting. These diversities had not embarrassed the makers of States, whether kingdoms or federal leagues of republics, in the earlier centuries of

modern Europe. They had been to a great extent overlooked by the founders of the British Empire in Asia ; they had almost vanished in the melting down of provinces into the one and indivisible Republic of France. Educated Germans rubbed their eyes in some amazement when they woke up to the discovery that the Wends and the Magyars had a mind to be rivals of the Germans. Intelligent Scotsmen were surprised to find that, in celebrating the five minutes' fight at Killiecrankie, they had been priding themselves on the defeat of their own people by Gaelic barbarians. Where there was chronic strife, as in Ireland, it had been, up to the ethnographical time, set down to difference of creed. That a mere difference of language should prevent two sets of people from forming a kingdom was a novel and inconvenient view for politicians. As it had not troubled the Englishmen who undertook the care of the French colonies in North America, so it failed to disturb those who at Vienna accepted for King George a broad region of Africa peopled by unalterable Dutchmen.

The importance of race was discovered by politicians, like the importance of the common people, in the inquisitive and reflective years which followed the overthrow of Napoleon. They mused first on the unquenchable passions of the common people in Spain, which were brought to light by an invasion and by six years' incessant collision with foreigners. The ten years of Greek insurrection impressed with a sense of ethnic difference some minds which were

not smitten with the romance and the mimetic revival. Old-fashioned politicians would have held out against the clamour of ethnologists. The philosophical Radicals of England were altogether above listening to claims which had no more to do with utility than had the claims of dynasties. But amongst the fresh growths of the human intellect there was a super-rational and wilful faith in aspirations, and a longing for the discovery and the restoration of sentiments.

The literature of this retrospective faith had a brilliant chief, M. Augustin Thierry, who, charmed by the story of 'Ivanhoe,' which charms us not because it is historical, but simply because it is visionary and beautiful, made sure that Sir Walter Scott had discovered beneath the crust of English history two separate jets of force, the Saxon and the Norman race, then proceeded to reconstruct the France of the early Middle Age on a similar duality, and then idealized the modern democrats of Europe as the champions of races misunderstood and wronged. The benediction given to the Greeks by readers of well-established classics was showered prodigally on all manner of populations which had legends and local colour. Every out-of-the-way district was rummaged for war songs and love ditties; every dialect had its German devotee, its glossary, its recitals. The minute research of the Germans was seconded by the neat exposition of the French. Unconscious of their relations to science, the literary revivalists enjoyed their emulation. The fragments brought to light and pub-

lished were exhibited and appraised with such zeal as girls have for things they find in long-neglected wardrobes. Ethnology and archæology, lit up by romance, and substituted for decaying tenets about royal families and hierarchies, fell into conjuncture with the rational love of political liberty, which had been purified and annealed by the experience of military despotism. So that there was, about the year 1830, a widespread sensibility apt to favour discontented multitudes, and those who had plain grounds for discontent naturally took advantage of the European fashion. The English Cabinet, which contained only one man, Lord Holland, known to have ever taken a romantic view of insurgent foreigners, lit upon three fermentations of race, one in Poland, one in Ireland, one in Flanders.¹

The Flemings were heaving towards political change, even before the French Revolution of July. They had been vexed for some time by taxes which they thought unequal ; they were indignant at not getting their share of salaried offices. It irked them to talk and write the official language of the Netherlands ; they had already two languages, and they had no scruple in giving the preference to French over Flemish ; but Dutch was abhorred. Their livelier families were French in habit, and were inclined towards France, as swans in a little pond turn towards a neighbouring river. They might have been soothed and accommodated by a skilful govern-

¹ A fourth was just beginning in French Canada, but Lord Grey escaped it.

ment; their King was too mulish for such a business. Secession from Holland would open out a career for their politicians; and the common people, as is usual, were induced to follow the talking and writing men.¹

In the last days of the Wellington Ministry the Flemish, or, as they now called themselves, the Belgian delegates came to London and asked for autonomy. Their applying to London rather than to Paris was a remarkable tribute to the fairness and stability of the English Government.

Lord Aberdeen was for treating with Holland, with a view to some modifying of the union, but not for abolishing the Kingdom of the United Netherlands. The Dutch Court was then as remote from the Court of St. James's in acquaintanceship as it was near in geography. Before anything was settled the Tories went out of the public offices.

It might have been expected that Prince Talleyrand, representing France in London, would keep the threads of the business in his hands; for he was at the head of his profession, diplomacy, and he had some right to look on Earl Grey as a beginner, and Lord Palmerston as a subordinate. However, he found at once that he was not to have his own way. The Whig Lords closed with the Belgians on the principle of their complete separation from the dynasty no less than from the legislature to which they had been attached,

¹ The religious people were, in the Flemish Netherlands, Catholics; in the Dutch Netherlands, mostly Calvinists; but if it had been merely a theological variance there would have been no secession.

without being themselves consulted, by the potentates of Vienna. Although Belgium had no natural frontiers it was to be a distinct country, an artificial island. It was not like those featureless provinces of Eastern Europe which have bewildered a later age. It contained cities as proud of themselves as the famous Italian cities, yet not, like the Italians, set against one another by jealousies of long standing. It had the inestimable blessing of a genuine aristocracy; M. Félix de Mérode led his nation, whilst waiting for a King, and was too much of a noble to put himself in the way, and block out a royal stranger. This faultless and high-bred patriot continued the work begun by a popular leader, M. de Potter, who had braved a Dutch prison, and was not puffed up by his notoriety. He was aided by M. Van de Weyer, a man of commerce and letters, whose written thoughts were always sound, and whose tact in business was unerring. The new nation forthwith justified its existence. The Belgians at home and the Belgians in London were equal in character to the Englishmen and the Frenchmen on whom their liberties seemed to depend.

Prince Talleyrand, if he had had his own way, would have nominated to the new kingdom of Belgium an obscure 'personage,' young and pliant, whose throne should be upheld by France. But France was to obtain certain Belgian towns close to the corner out of which she menaced Germany, and she was to be rid of some of the eyesores which reminded her of Napoleon's failures, the fortresses of the barrier.

She was, on this plan, to be as free as in the days of her old kings, Charles VI. and Louis XIV., to flood the Low Countries with her armies. What less could she be content with, now that England was promptly helping her to undo the Vienna work, and to break up the composite State devised by Lord Castlereagh?

Prince Talleyrand was the most adroit of negotiators. He perceived more quickly than others the time for unsheathing, and the time for retracting, his claws. He soon found that he had no terrors for the English Foreign Secretary, by whom, when he asked for an interview, he was rudely kept waiting ; who, when he made a suggestion meant to be embarrassing, had an answer ready.

His face, which seemed to Lord Aberdeen to bear the marks of all evil passions, betrayed no sense of discomfiture, his voice which, as heard by Mr. Macaulay and Mr. Greville, issued from some region below the breast, uttered no confession of annoyance, when he was informed that Belgium, advised by England, wished to have Leopold of Saxe-Coburg for King, and would be glad to see him married to a daughter of the French king.

From January 7, 1831, when this device was hit upon, M. de Talleyrand became the polite critic, not the antagonist, of Lord Palmerston. M. Périer, who ruled France for Louis Philippe, thinking more of order at home than of action abroad, accepted the disappointment, and quietly silenced Lord Palmerston's hasty suspicions by his perfect candour and his indubitable love of peace. King Louis Philippe was

one of those fathers of families whom Prince Talleyrand pronounced to be 'capable of anything,' and in the first year, as in later years, of his reign, he coveted forbidden fruit for his boys and girls ; he would have liked to see his second son, seventeen years of age reigning at Brussels, but he smothered the frustrated desire. He consented to the marriage which was to connect the four millions of Belgians, in the person of their elected king, with the great nation by which he had been himself elected. As Leopold had inhabited his bridal house in Surrey, and had become an Englishman, his marrying a French lady pointed towards an intimacy to be formed between the Orleans family and the future sovereign of England, Leopold's niece, the Princess Victoria ; that so much kindness and mutual help should grow out of a plan hit off by hard men of the world could not have been foreseen.

Leopold was an Evangelical, or Protestant, Christian. It was pointed out that he was thereby disqualified for ruling over the Belgians, for they were not Catholics. To this objection Lord Palmerston was ready with a reply ; he had consulted the Pope, indirectly of course, for it was unlawful to send an envoy to the Vatican ; he was assured that the Pope rather preferred a Protestant King of Belgium, calculating that a Protestant would have to be very gentle and punctilious with the Church ; and in point of fact the Pope, looking to experience, judged aright.

But how came people to make so sure of

Leopold's compliance? He had, quite recently, thrown over the Duke of Wellington, who had taken pains to set him down at Athens as King of the Hellenes. It was thought that the Tories would never try again to employ him; and he was not intimate with the Whigs. If the Princess Victoria had been called to reign when still a child, he would have been, not the Regent, but privately the chief adviser of her mother, who was his sister. Otherwise he had nothing in prospect. His refusal of the Greek throne showed that he estimated his high capacity correctly. He had reached that time of life in which the understanding is in harmony with desires. He was daring, but not quixotic, when he ventured into the old battle-field of Flanders. He would not venture there without precise bargaining for a sufficient extension of his new country. He reckoned on an armistice agreed upon with the Dutch King; so he should have time to arm and drill his people. As soon as he began his duties the armistice was broken, and he rushed with his raw levies to confront the Dutch invader, whilst he asked the French King for succour without waiting, as by the fresh law of the Belgian constitution he was bound to wait, for the consent of his legislature. He fought like a subaltern lusting for promotion. This prince was known for forty years as the most prudent man in Europe; but he was much more than prudent; he was hearty and wise.

In the year 1831 the founders of the Belgic State were working at their admirable enterprise alongside

of the Whig Reformers of the British Parliament ; and they enjoyed the freedom which resulted to them from the Tories being absorbed in the minute philosophy of Mr. Croker.

Lord Granville, a perfect envoy, served the Whigs at Paris as he had served their predecessors ; and the two rival nations, represented by similar Cabinets, competed, without a quarrel, for the honour of bringing a third nation to the birth. It was in July, when the Parliament, specially convened to settle Reform, was toiling over the schedules, that the widower of her who was to have been Sovereign of Britain received at a private dinner-table the congratulations of Whigs on his election to the Belgic Monarchy. For fear he should be called a puppet of England he set out for Belgium with no Englishman, only with his late wife's doctor, a sagacious and faithful German, Stockmar, the adviser of more than one Coburg prince. On July 16 he was applauded at Dover on his departure by English cannon, and welcomed at Calais by French cannon. It is a day to be remembered with joy, since it seldom happens that two adverse shores echo the praise of statesmen who have cut off the causes of strife. The compliments paid to Leopold were such as had been often paid to princes ; the gunners and the mariners knew not how his royalty differed from common royalties. It was the creation of reason not of fortune ; it was fabricated by wise men for the maintenance of peace and for the satisfaction of a new nation's healthy appetite.

Fifteen days later, the Dutchman, some time the rejected suitor of the Lady Charlotte of England, wreaked his spite against his old rival Leopold. Antwerp had been left to the Belgians during the armistice; its forts were held by the troops of Holland. General Chassé, who commanded this garrison, broke the truce. Twenty days more, and the Dutch were back in their own land. This repulse was due partly to the high spirit of the Belgians, but mainly to the startling rapidity of the French War Office, which, without requiring any time for equipping guns and hospitals, sent fifty thousand men across the frontier.

This swift march troubled the English, at least those Englishmen who were not wholly intent on close boroughs. England had been asked for succour at the same moment as France; but no one had attempted to imitate Mr. Canning's vaunted shipment of a brigade. That display of pugnacity at Portsmouth and Lisbon was quite outshone by the elderly and tradesmanlike King of the French. At dawn of August 4 he read Leopold's note; at nine o'clock he read it out to his Ministers. Straightway Marshal Soult took the King's orders to General Gérard. At two o'clock the Belgian agent in Paris was received for the first time as plenipotentiary. At four o'clock the Government newspaper announced that Leopold was to be instantly rescued from the Dutch by French soldiers. Half an hour before midnight the French King's two eldest boys left home to carry muskets in the vanguard. Com-

pared with this eagerness Lord Palmerston's energy in mustering a squadron off the coast of Kent, and refitting a three-decker instead of paying it off, was a mere trifle. He was questioned in the House of Commons about the French troops. Would they withdraw as soon as they had cowed the Dutch? This was what had been verbally promised; but firmness was required to enforce the retirement.

It was desirable to persuade the obstinate King of Holland to desist from his attempts at once. But he was likely to be supported by Russia. Now Russia was busy with the Poles, and not at leisure to move a force to Holland. If the Poles held out long enough, the Netherlands might be pacified; there was no time to lose.

It must be apparent, even to the warmest admirers of Lord Palmerston, that his rare dexterity would not have been sufficient, had France been in the hands of unprincipled rulers. On August 11 Namur and Mons, strong places which had been precious in the eyes of the English King William III. and the English General Marlborough, were occupied by Marshal Soult's soldiers. The bold and prudent Leopold had, with the best intentions, given the most ambitious army in the world nearly all that it fought for in the Waterloo campaign. The Prussia of 1831 was not the Prussia of 1815. It would have cost the travail of a cumbrous alliance to disturb the French tenure of fortresses armed at the cost of England, and under the Duke of Wellington's inspection, for the very purpose of checking France.

The Belgian levies routed by the disciplined regiments of Holland were likely to fall into the second line behind their old friends, against whom they had disliked fighting at Waterloo.

All this mischief was set on foot by one perverse man, an unworthy descendant of the famous Nassau statesmen. Admiral Codrington could not knock this little king on the head like a Turk. To operate on the blockhead's passions and to deprive the French of a pretext for campaigning seemed necessary and yet very difficult.

Yet all came right. The Poles held out till the middle of September. The French vedettes showed themselves, and the victorious Chassé fell back. M. Périer was perfectly, King Louis Philippe sufficiently, honest. The Belgians, just before they were routed, cited their charter to admonish their sovereign ; and General Gérard, at his request, delayed his march. Twenty out of the fifty thousand Frenchmen were recalled as soon as the Dutch ceased from invasion. Yielding gracefully to a stubborn resistance, the Orleans dynasty contented itself with the dismantling of some five Belgian fortresses, which, though made for defence, were so situated as to seem to sensitive strategists thorns in the side of France.

There was a stronghold coveted by Prussia and also by France, Luxemburg. It lay so that it would have fitted into Belgium's frontier on the side of France. There were months of suspense, during which it was doubtful whether Luxemburg would not be given up to Prussia, which had a province hard by.

The French would have assented to this if the Prussians had promised them two other fortresses which they coveted. Luxemburg was, in theory, a part of the obsolete German Empire ; it was the capital of a Grand Duchy, and the Grand Duke thereof was also King of Holland. He would have been induced to give it up for an equivalent elsewhere, as soon as he was constrained by his neighbours to part with the country which divided it from his little kingdom. This sort of bartering had long been familiar to the Chanceries of Europe, and there was a good deal of it in the Vienna treaties. But now Lord Palmerston quashed the notion. 'Let us,' he wrote to Lord Granville on August 26, 'stave off these nibblings ; if once these great Powers begin to taste blood, they will never be satisfied with one bite, but will begin to devour their victim.' He steadily kept in view the formation of a respectable Belgic State. Leopold was no less clear-headed. It was plainly necessary to soothe the Dutchman by marking out boundaries according to his taste, provided the liberated provinces were not maimed. It was also plainly expedient to limit the negotiation to the two principals in the dispute. The temptation to bribe France or Prussia, or both, was resisted.

England, from first to last, was the leading founder of Belgium. She was disinterested, she wanted nothing for herself ; her example and her authoritative advice helped the great neighbours of the nascent people to be disinterested. Much patience was required for the haggling with the

Dutch; and after the extinction of the Polish army the Czar had to be humoured, for fear he should rip up the fabric woven by diplomacy in London.¹

The three Northern Powers were nearly as sure to swing the same way as the two Western Powers. The peace of Europe could be secured only by the concurrence of all the Five Powers. They had jointly given legitimacy to the composite kingdom of the Netherlands in 1815; they must now agree to undo that work, and to substitute two equal moieties for the one substance. Since the Congress of Aix-la-Chapelle, in 1818, they had never agreed so entirely as to resume the authority of an European pentarchy; in dealing with Greece only had they approximated thereunto, and the affairs of Greece had not directly involved a revision of the Vienna settlement. The parting and the reconciling of the Hollanders and the Flemings could, perhaps, have been effected in a makeshift way by less than five great Powers; but it was the wisdom of the Western statesmen to make

¹ Prince Talleyrand was believed by Stockmar, Leopold's adviser, and by Lord Palmerston, to have striven for a partition of the Belgian provinces, and to have encouraged the Dutch King to expect the support of France if he gave up some part of Belgium and kept the rest. It appears that the Prince was allowed to think that he was the principal agent of France, and that he prided himself on acting without instructions. Meanwhile Lord Palmerston was really arranging things with the honest Frenchmen in Paris, through his honest agent Lord Granville. Leopold looked to Paris for sympathy, to London for guidance. The best of his new subjects leant on England with entire trust. Prince Talleyrand was useful, without playing first fiddle; he put his seal on the reputation of the new statesmen, Lords Grey and Palmerston, and could not resent their becoming greater than himself; his egotism did not injure his own country; his supersession was a quiet process, and did not humble him. A French writer of authority has, to his own satisfaction, cleared him of the charge of being unfaithful to his employers in the Belgian business.

this an occasion for amending, formally and properly, the public law of Europe. If this was done, then the hope revived of perpetuating the great peace, which was due, not as in meaner times, to exhaustion, but to conscience and reason. The coincident rise of intellectual administration in England and of a liberal and kindly dynasty in France was an augury of good so cheering that youth and literature looked forward to a long war of man with nature, not to be interrupted by war of man with man.

There was a possible stumbling-block in Lord Palmerston's path which his rivals at home perceived. This was an obligation to pay money on behalf of the Netherlands to Russia, which the Tories blamed the Whigs for not treating as a void contract. It seems probable that Lord Palmerston would have agreed with the Tories had he not been in office, and that his earnest maintenance of the obligation was based, partly, on a natural wish to avoid a quarrel with Russia so long as Holland stood out against the legality of Belgian independence. Five millions of pounds sterling had been advanced by money-lenders to the Russians, that they might set their armies on foot in 1815. The interest on this capital was promised by England, whose object it was to send the Russians against France on the Rhine, and by Holland, which was menaced by Napoleon's attack on Brussels. It was covenanted that the annuities paid by the two 'maritime Powers' to the Czar, to extinguish the debt in a hundred years, besides paying the interest, should cease to be paid if the Sove-

reign of the Netherlands ceased to rule over the Catholic Flemish provinces annexed to his dominions. So, when the Five Powers, in the middle of November 1831, decreed the separation, although the separation was not ratified by the Dutch King, it was held by the English friends of those Englishmen who had negotiated the treaties of Vienna, that their country was released from its improvident contract. It is probable that, if this opinion had prevailed, the Russians would have fallen away from the attitude taken in November, when they signed the treaty, and their abetting the Dutch King might have increased those difficulties which lasted at least a year after every one save the Dutch King and a few of his servants was content to let Belgium go.¹

Such legal or technical arguments as were set up by Lord Althorp and by the Whig lawyer, Dr. Lushington, were not strong enough to convince some Whig country gentlemen who sided in the division of January 26, 1832, with the Tories. But Lord Palmerston threw his whole strength into the debate, and obtained a sufficient majority. The attack was renewed six months later, just before the Reforming Parliament broke up; and although it failed it went to prove that there were Tories who held decided opinions, and who, when the Whigs were in power, were parsimonious. In a later time, when at war with Russia, another Cabinet

¹ Mr. Alexander Baring, the ruling authority about loans, and the possible Chancellor of the Exchequer in a Tory Cabinet, held that the money was to be paid.

went on paying to its enemy that debt which the Tories had said was not due, which some Liberals called a tribute.

An English friend of the Poles again questioned the Ministry. A Radical of 1832, who had become a minister, defended the payment. An attempt was made to show that the five millions originally represented the price paid to the Dutch for colonies. In point of fact, they were amongst the many millions spent on maintaining the State system, or the balance of power, in Europe; and had they been spent like other subsidies they would have been dropped out of sight. The Tories of 1815 judged on good grounds that to unite Belgium with Holland was a safeguard against the encroachments of soldier tyrants; they buttressed their fabric with bought armaments. The Whigs of 1831 ascertained that to separate the two countries was safer than to hold them to their union, and they resolved to interpret liberally the contract made by their rivals, and by payments made annually to avert the dangerous interference of a military tyrant with the politics of Western Europe. It was, as Lord Palmerston put the case, for the good of England to dissolve in 1831 the amalgamation which it was for the good of England to effect in 1815. He never professed any motive which transcended the principle of consulting English interests.¹

¹ The ethnographical principle has been, in the main, set aside by recent leaders of European States. It has not been broadly gainsaid by Bismarck or Cavour. In enunciating a policy for the Balkan regions, as English Minister has discarded it, reviving the old rule that, after a

France was the only country which incurred expense by arming in behalf of the new State. It was a French army which at the end of the year 1832 besieged the citadel of Antwerp, which, after ceding the town, the sulky Dutchman would not give up to Leopold. The siege was interesting to English artillery officers, because it exhibited the force and precision of new guns, invented by a Frenchman, which threw explosive hollow shot instead of solid balls. A French squadron at one time lay alongside an English squadron to intimidate and almost to blockade the Dutch. The combination of the two fleets was satisfactory to the lovers of peace and to the English admirers of France, though the Kentish pilots were inclined to steer the foreigners on to shoals.

In the two years of co-operation Lord Palmerston was often quick to suspect this or that Frenchman ; but his uncharitable misgivings were not at the time a hindrance to joint action. Earl Grey was thought by some Londoners to be too simple, and too kind to the French ; but he is known to have judged aright, and to have given confidence where it was due. It was not necessary in those years for the wearers of crowns to hug one another, or for political ladies to

war, the Powers which make a treaty are to be guided by considerations of military geography when they trace frontiers. Such a statesman as Lord Palmerston would avoid, as much as possible, both the assertion and the denial of this rule ; but he would think it a somewhat less inconvenient doctrine than the ethnographical one. As the man in the fable refuses to admit that two and two make four till he knows what his adversary means to infer from the admission, so a Palmerston demurs to any general enunciation till he sees whether it will be used against his own country.

fill saloons. A few statesmen on each side of the Channel became acquainted with each other. They treated each other as gentlemen, they professed no affection ; there was nothing sentimental, there was no clap-trap, in their mutual trustfulness.

Here, then, was brought about a revision of the European settlement ; and whilst the character of a people and its wishes, interpreted by its natural leaders, were more respectfully considered, the right to parcel countries was still assumed to belong to the five principal Governments which had at Vienna dictated to all the lesser communities ; nor was their authority found to be weakened by the growth of opinion.

The artificial State had no duties to render to any confederation or to any suzerainty. Having no colonies and few seaports, it needed no ships of war. It was declared to be endowed with an exemption which might be considered wealth ; this exemption was called neutrality. This metaphysical formula of the diplomatic lawyers, when turned into something intelligible, implies that, if the French fight with the Germans, neither party may go into Belgium with arms. They may take refuge if pursued, but they must lay down their arms on crossing the frontier ; the pursuers must retire as soon as they see a Belgian gendarme. Thus far the neutrality of Belgium is no more than the neutrality of any country which is at peace with two neighbouring belligerents. But the special neutrality of Belgium goes beyond this point. Whosoever uses Belgian soil as fighting ground

incurs the resentment, not of Belgium only, but of the Powers which signed the treaty by which Belgium was admitted to the sisterhood of European nations. Because of this singular attribute it came to pass that, in the year 1859, when the ambition of France troubled Europe, disturbed the English revenue, and caused even Denmark to expand her army, Belgium alone was unruffled by anxiety, and spent not a franc more than usual on her soldiers. Yet it was found expedient in 1870 to reinforce the validity of the treaty by two new covenants. The Court of St. James called on France and Prussia severally to promise to let Belgium alone; and if either a French or a Prussian army had encamped on Belgian fields, England would have done her best to punish the transgressors. The two little treaties made for that occasion ran out when that war reached its term, but the fundamental treaty is confirmed.

The obligation to defend Belgium is, perhaps, more ornamental than burdensome to Russia and to Austria, because they lie far away. To England it is a matter of importance whether Antwerp is the citadel of a small state, or an outlet for the eruptive vigour of a great state. Yet it is a tenable view that a British Minister would be not less sensitive about Holland, which is not, than about Belgium, which is, guaranteed.¹

¹ The treaty which constituted Belgium is dated November 15, 1831, about a year after the deputies came to London to call upon Lord Aberdeen and M. de Talleyrand. It was ratified by Austria and Prussia April 18, 1832, by Russia May 4, 1832. But it was not till 1839 that Holland ratified a treaty with Belgium, which quite ended the affair.

XXXVIII.

THE doctrine, that treaty obligations are strengthened by neighbourhood and weakened by difficulty of access to the countries about which promises are made, worked in the year 1831 to the advantage of the Czar Nicholas. Whilst he employed Matasiewich, one of those mischief-makers whom the Muscovite stock readily produces, to hamper, in London, the founders of Belgium, and whilst he used the King of Holland as a tool for vexing the democratic Monarch of the French, he distracted the attention of the liberal Western nations from his own affairs ; and, when they were more at leisure, he was, by the fortune of war, released from the necessity of taking their remonstrances seriously ; for they were far off.

The Polish troops mutinied against the King of Poland, who was also Emperor of Russia, in 1830. Many educated Poles rebelled. A sufficient body of the common people went with the officers and the noblemen. The grievances which provoked the insurrection had affected the gentry ; their consciousness of superiority to the upper classes of Russia, their disappointment about the restoration of Poland with her dependencies, their sympathy with the Latin Church and with the French aristocracy, gave fuel to the spark of popular excitement which fell from the beacon-fire of the July Revolution. They had for fifteen years gone through parliamentary processes in conformity with the articles of a constitution

granted by Alexander their Russian King, who, when he bound himself and his heirs to this compact with the Poles, was fulfilling a solemn promise made at Vienna. If the Polish gentry had been blessed with political families they could have used the two chambers of their Diet as vehicles and engines of legality.

But they had not, even before the intrigues of France and the rapacity of the three Germans, Frederick, Catherine, and Maria Theresa, ruined their independence, evinced any capacity for getting, or executing, justice ; and without this capacity a body of privileged families does not make a nation worth saving. If noblemen stipulate only for themselves, if they despise the tillers of the soil and the carriers of wares, if being Christians they persist through modern times in trampling on Jews, they deserve to be subject to the clerks, the policemen, and the colonels who, at the worst, go by some rules of uniformity.¹ The Poles had a lively sense of race, and were indignant when subjected to Muscovites ; but they had not, when free from Muscovites, done justice to another race, the Ruthenians of the borderland.² They could not bear to be deprived by the

¹ One of the few things worth knowing, that can be found in the Middle Ages of England, is that the Barons, when they forced King John to a covenant, made terms for the peasants as well as their own class, and had regard to the interests of traders.

² These were sometimes called Russians ; those who thus use the word Russian are excluding the Muscovites. When the Polish Diet, before the partitions, ruled Poland, the Ruthenians asked through deputies whether they were not 'members' of the Polish body ; they were answered thus : 'You are, no doubt, members ; but, like hair and nails, you want cutting now and then.'

Czar of their dominion over the Lithuanians, who had, on ethnological principles, as good a right as Slavonians to form a nation and a state.

There was a time when Poland had a chance of being what Muscovy became, a State with an Empire. Whichever nation took this place, it was bound, on the plain and durable theory of utility, to regulate the many varieties of man dwelling in the plains of Eastern Europe on the principle of isonomy, abolishing as soon as possible all dominion founded on differences of language, creed, or complexion, allowing aristocracy but not vassalage, tolerating all churches, and letting no church interfere with the administration of justice. The Muscovites, by engrafting slips of Germany on their stock, became the imperial nation; and it was futile to set up between Muscovy and Germany such a Poland as the Polish followers of Napoleon contemplated.

The Polish character was in the early part of this century more beautiful than venerable, more romantic than intellectual; it was not quite manly enough; or, in other words, it was too nervous. There were reasons, dating as far back as the sixteenth century, why the French should lean towards the Poles. With fair intentions French rulers have done much more harm than good by their interference with the country which Prussia kept asunder from them.

M. Périer, when the excellent Adam Czartoryski was President of the Warsaw Diet, proposed to the British Government to help the insurgent nation. Lord Palmerston declined the proposal. For this he

gave a reason, which, although far from heroic, and likely enough to curve a French lip or heave a French shoulder, must be considered by statesmen quite valid. Mediation, he said, would be rejected by Nicholas and Nesselrode. Intervention must be backed by force. This was not possible then. The time had not come to undertake forcible intervention against the will of a sovereign whose rights were indisputable.

M. Périer seems not to have pointed out the meads of operating on Russia. Earl Grey, looking back from a time when Warsaw was the seat of Russian Government completely restored, expressed regret that he had not been able to send a British fleet into the Baltic in the summer of 1831 when the Polish generals were gaining victories. Liberal patriots have groaned over the parsimony which made it impossible to hold the Baltic and intimidate the Czar. The truth is, that the summer blockade of ports which nature blocks in winter is not enough to coerce a despot whose main frontier is not the sea, whose traders must habitually buy and sell goods not water borne, whose armies cannot be much annoyed by descents on the coast because they are fighting at a great distance from the coast. The allied fleets of the two liberal nations might have patrolled the Baltic and all other Russian waters without doing the Poles any service. Russia was vulnerable only if her accomplices in wronging Poland took part against her ; or, at least, any assault on her that could be made without great land forces

would have been too light a blow to shake her grasp of Poland.¹

So the lovers of freedom had to be lookers on, when those gallant gentlemen were fighting with the more mechanical soldiers of the Czar. There was perhaps more feeling for them in Italy than in England ; the fervent lyrics of Krasinski and Skarga, which breathe martyrdom, were better known to Italian enthusiasts than to other strangers. Italians looked on Austria as Poles on Russia. In the two oppressed countries there were parallel growths of sorrow and hope ; knights-errant, forlorn exiles, indomitable prisoners, continued to scheme and to suffer for both, and their lives were beyond, it may be above, the cognizance of the Périers and the Palmerstons.²

Poland fell at the end of the year which brought legal freedom to the Flemings. The British Foreign Office had to consider whether out of the consequences of this civil war there arose a diplomatic question. The Vienna treaties were examined. Alexander at Vienna had promised that Poland, if it were his, should have a constitution. Nicholas now declared that the right to this constitution was for-

¹ Diplomats generally overvalue fleets. Mere naval operations have covered some governments, but only where the seat of government was, like Naples, close to deep waters.

² The author of the *Pleasures of Hope* is the best known English writer that has thought poetically of a Pole. No Englishman with high gifts of expression took up the cause. Irish orators took it up, and their advocacy was not likely to charm Englishmen. But it is remarkable that the many English writers who turned aside from prosperity and enlightenment as vulgar things did not take an interest in the martyrs of freedom who refused to enjoy the age. The literature of France (including Geneva) is enriched by Polish themes.

feited. The Secretary of State prepared himself to argue through Lord Heytesbury, the envoy at St. Petersburg, that an unsuccessful rebellion, in which only part of the people took up arms, did not involve the forfeiture of the constitution granted to the whole people. Lord Heytesbury had not, when he was Sir William A'Court, distinguished himself for energy, and he was now ill. It must have been a matter of form if he had an interview with M. Nesselrode to present a despatch from Lord Palmerston, and to ask for the fulfilment of Alexander's promise.

It is hardly uncharitable to conjecture, that Alexander's heir had wished, if not actually tried, to provoke the Poles into acts which would justify the cancelling of the promise. Everyone must have foreseen that the insurgents, when beaten, would lose their two Chambers. If all four Powers had jointly pleaded for the revival of the Polish constitution, that is, if all had been in earnest about it, the fifth Power would have made some concession. But there was only one Power against which four could ever be got to combine ; not Russia, but France.

In the four years of the Grey Ministry the Czar Nicholas was so placed, and in such a frame of mind, that it was nearly impossible for any Englishman to please, to convince, or to frighten him. All that could be got out of his evil will was a slow consent to the deliverance of Belgium.

To console herself for being unable to prevail over the Eastern autocrat it behoved England to embrace

and bind together all that was liberal in Western Europe. Lord Palmerston actually did a thing which his master, Mr. Canning, boasted of having done ; he redressed the balance ; he could not pierce the phalanx of military kingdoms which Nicholas commanded, but he set against it five liberal nations in the West of Europe.

XXXIX.

IN the absence of contrary evidence, it is to be affirmed, on Lord Palmerston's authority, that the Treaty of Quadruple Alliance signed in London by himself, by M. de Talleyrand, by the Minister of Spain, and by the Minister of Portugal, was secretly wrought out by himself, and laid before the Cabinet so suddenly and in so complete a state that it was hardly discussed. He had some trouble with the old Frenchman ; none with his own King and Parliament. He got a new and bold thing done as quickly and thoroughly as if he had been autocratic. He did not consult the Eastern Powers ; they might have liked to meddle with Spain and Portugal ; but ' geography forbade it.' They had their own way with the Poles, because geography also forbade the Maritime Powers to hinder them. If they reckoned on having their own way in the Levant, as a set off against their exclusion from the Spanish peninsula, they were mistaken.

When he interfered with Spain, Lord Palmerston

was in danger of being said to do the very thing which was resented by the Canning Liberals when done by France. But he took care to bar this argument. France had interfered with Spain in 1823 to please her own noblemen and clergy, and to execute the ban of the Holy Alliance, not to comply with a Spanish demand based on a treaty. England interfered with Spain in 1834 because the Spanish Government, binding itself to make common cause with the more legitimate Government of Portugal, joined it in asking England for help. The request made in the name of the Queen Regent of Spain was not for help to coerce Spaniards in Spain, but for help to drive certain Spaniards out of Portugal, and to drive out with them Miguel, the half ruined and wholly discredited usurper of the Portuguese monarchy, who was harbouring the obnoxious Spaniards. The request was interwoven with the special treaty obligations of England to Portugal, which were for this occasion made the most of.


The Liberal party in Portugal could not now, as in 1826, profess to be in danger from a Spanish army or any other foreigner ; therefore the condition which then preceded Mr. Canning's intervention did not subsist. But after eight years of strife and of sluggish piracy, the world was not inclined to be very strict about Portuguese affairs. Miguel, who had been correctly treated by the Duke of Wellington as an actual ruler, was now almost without authority. His French general, a servant of Charles X., who seems to have disliked the July king, had outraged the feelings

of gentlemen by letting out all the wine in Oporto to burn in the street and to run into the estuary till ships anchored in a red liquid. The little wandering Queen who, when nine years old, showed her gratitude to George IV. by hugging him, was now the bride of a son of the Frenchman, Eugene Beauharnais. Pedro, her uncle, had gone with troops from Belleisle to Terceira as openly and pompously as if he had been a Stuart cousin of Louis XIV. His army, drilled in the Azores, had kept its footing on the mainland ; his ships, under British officers, who by serving him did not forfeit their claims on their own Admiralty, hovered about the Tagus and the Douro ; he seemed himself to forget Brazil, and to give his life, whatever it was worth, to his niece and to liberty. The nation had vigour enough to go on fighting, not enough to fight decisively. It was one of those civil wars so common in South America, which resemble the quarrels of sulky children. No one gained by its protraction of the strife save the soldiers of fortune. Commerce was miserably hindered. British frigates had to dance attendance on shabby little revolutions, and to cumber their decks with whole colonies of British wine merchants. The fountains of British conviviality were choked. Miguel was a nuisance of intolerable magnitude. His frantic behaviour brought discredit on the clerical party. The new champion of the clergy, the darling of sentimental Royalists, Carlos, brother of Ferdinand, the late King of Spain, was so ill-advised as to take Miguel for his patron. The connection lowered him ; this binary star of divine

right shed a lurid flame, but seemed easy to quench. A single combination was to do away with Miguel and Carlos.

It was then proposed that the national ships of England should help those ships which Englishmen, without their sovereign's orders, were directing against Miguel. To take part in a civil war was against theory ; but natural feelings approved of it. A Spanish force, paid by Spain, was to do what was needful on land for the expulsion of Miguel and Carlos from Portugal. If necessary, France was to join in the work, but only in work measured by the consent of the three allies. Portugal, when freed from the tyrant, was to grant an amnesty to his partizans. Spain was to give Carlos a pension if he lived out of the Peninsula and acquiesced in his niece's reign.

These were the provisions of the treaty at which Lord Palmerston worked diligently in the first three weeks of April 1834. He was very proud of this piece of work ; it was all his own doing ; it gave him, thought his friends, the foremost place amongst the statesmen of Europe. He became known even to the common people of Spain, and his name carried terror. He was called ' a wretch ' by the ' sons of the crusaders,' the Frenchmen who, not having lived in the countries of Southern Europe, cherished the belief that the Catholic creed was favourable to virtue everywhere. He was the first English Minister that overleapt indifference and entered the camp of the Moderns, that is, of those who were determined to



keep temporal affairs out of priestly hands. His Quadruple Alliance was designed to enable men of secular spirit to subdue and disarm the men of sacerdotal spirit. Although the immediate sequel in the Peninsula was for Spain a long and foul civil war, for Portugal a series of sham revolutions, for both States insolvency; although for want of true aristocracy both nations passed, too much for their good, under the sway of courtiers and of underbred soldiers, yet the clergy has not in either country, since they expelled their Pretenders, got the mastery of the men who are not afraid of knowledge. The two Queens, although objects of intrigue and playthings of selfish folly, continued to be sufficiently modern to stand on the plain human footing of contract, to be under written laws, to dread the judgment of traders.

It was impossible to make a Belgium out of Portugal, or a France out of Spain. The Catholic religion is of a more pagan and less intellectual type in the Peninsula than to the north of the Pyrenees. The dread of heresy, the dread of intermarriage with unbelievers, were so strong in Spain during the early Modern Ages that the gentry was cramped and emasculated. Whilst the gentry of France was forming its character with the help of Calvinism and of literature, the *grandees* and *hidalgoes* languished in dull orthodoxy.

In Belgium, in France, the modern hierarchy has competed, not dishonourably, with the modern school of inquiry. In Belgium during its half century, in

France for one period of eighteen years, and for another period of ten or twelve years, there has been a parliamentary tilting-ground for the antagonists, and their contest has kept the world from monotony without impeding the world's plain business. In the inferior nation there has been maintained a ceremonial religion of which the principal object seems to be the nourishment of a priesthood with its excrescences rather than the encouragement of intelligible virtues. The advocates of this creed have not kept up a lively public resistance to science and literature. Spain has been receptive of science and literature as imports or exotics. Her training through law procedure and free debate has been slow. Her crop of civic abilities and merits has been scanty. Yet, with all this deficiency, Spain now is, relatively to France and England, more considerable than she was in the reign of the Ferdinand who was the father of her first constitutional sovereign, Isabella. She missed the bracing combats of the Protestant age, and it may be that she can never overtake the nations which were in earnest when she was frivolous ; but it is hard to conceive any other remedy that could have been prescribed for her infirmities more effectual than that education in public duties which a people gets when its government is placed under the law.

Lord Palmerston would have laughed if anyone had praised him, when he was in the keen enjoyment of power, for being a propagator of opinions, a reformer of a people's character, an ally of foreign 'idéologues.' He was an English country gentleman,

who trained horses for races. Just as he set himself to bring a colt to the starting-post, just as he desired to win the stakes or the gold cup, so did he, when Lord Grey and the English counties gave him the opportunity, exert himself to make England the winner in competition with Russia. Incidentally he made the pattern Monarchy of Belgium, and he rescued Portugal from rapine, Spain from superstition ; both from the exclusive patronage of France.

XL.

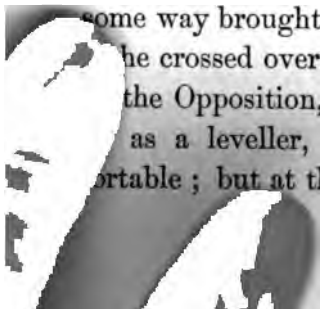
THE Parliamentary Session of the year 1833 is considered the most satisfactory of all sessions. There was much barren strife, but there was transacted a great amount of solid business. Although the members of the representative chamber were, on an average, older than the members of unreformed Parliaments,¹ and elderly men were inclined to make up for lost time by delivering many speeches, there was found to be enough leisure for practical discussion, since the House in its reforming ardour consented to meet at noon. Less time was given, than in former sessions, to speaking about petitions ; fewer hours were required than in later times for examining local Bills in small Committees.²

The new members were sufficiently modest

¹ It was roughly said to be twenty supplied with young men.

² Ten of these local Acts considered important.

their duties from old members ; and after the first few weeks many of them found that they could not bear the fatigue of sittings which began at noon, and, with short intervals, lasted beyond midnight, so that they left a good deal of business to hardened veterans. In order to soften the transition from the old to the new life of Parliament, the Whigs, who outnumbered the Tories in the ratio of three to one, forbore to dislodge the Tory Speaker ; a Whig, whom a few Radicals wished to place in the chair, resisted their demand. No serious change was made in the procedure of the House. Of the new senators, drawn from layers of society which had been hitherto unexplored, there was but one who shocked the gentlemen by an impropriety ; this was the aged Mr. Cobbett, who had begun life as a private soldier, had made himself the most popular journalist ever known in Britain, and had been lately prosecuted, without any result, by the Whig Government for seditious libels. His borough was Oldham, a rough industrious town. He naturally fancied that he was a champion of the plebeians ; he took his seat on the Treasury Bench. To have a tribune of the people sitting between Ministers, who have occasion to confer in whispers at every turn of a debate, would be a hindrance to business. Mr. Cobbett was in some way brought to a consciousness of his intrusion ; he crossed over and sat down next to the Leader of the Opposition, Sir Robert Peel. As a democrat as a leveller, he would not have been uncomfortable ; but at the age of seventy he was not likely



to make himself a home amongst the six hundred gentlemen.

The new bodies of electors had been tempted, in the flush of conquest, to overstrain their power. They had in many cases exacted of their representatives specific promises to vote for or against certain things. In some cases they had asserted a right to dictate to their members whenever a question arose. Mr. Macaulay at Leeds found it expedient to declare that he was a Christian, after bullying a Dissenter who inquired into his religious opinions ; he was also obliged to say that he would not vote for giving parsonage houses to Catholic parish priests in Ireland. Sir John Cam Hobhouse, a man almost as well qualified as Mr. Macaulay for high office and for legislation, promised the electors of Westminster to vote against the odious tax on windows—just the sort of question on which the common people can form an opinion and may be allowed to have their own way ; but he found it better to give up his seat than to keep this promise ; and his misfortune seems to have warned others against pledging themselves even on so simple a matter as a window-tax. In spite of the pledges exacted, and the attempt to change representative burgesses into Parliamentary attorneys,¹ the Commons were as serviceable to the Ministers as they were faithful to the country.

¹ It was usual to employ the word 'delegate' in this sense ; too good a word to be used invidiously ; sailors in mutiny had used it thirty-five years before ; otherwise it had not taken a colour from history. 'Attorney' is a legal term, easy to tie down to strict usage. 'Parliamentary attorney' is a phrase used by Radicals.

Compared with the three foregoing years, and with the two following years, this was a time of little asperity or factiousness ; a time of moderation in language, of energy in legislation. Projects of law, whether meant to help administrative government or to improve permanent institutions, came to the House from the best-informed men, and were considered with rare candour by the men who had recently had access to the best sources of information.

The hundred Tories who still had seats, instead of moping or cavilling, set their minds alongside of Whig minds, welcomed the Conservative aphorisms uttered by Reformers, digested cheerfully the disappointment of their own gloomy prophecies, and exerted themselves to earn by display of critical skill the right to construct ministerial ordinances.

The Government was not beset with aspirants to office making themselves troublesome on purpose to get their mouths stopped with good things. No Minister was ever more free than Earl Grey to choose a new subordinate when there was a vacancy ; he was not molested by old placemen eager to come back, nor by conquerors in elections asking for spoil ; nor by combinations of independent Liberals bent on doing his work for him. Neither was he, as others have been, drawn into security and presumption by the enjoyment of a crushing majority. He was not so weak as to imagine that the Reformers would hold together for more than a year or two. He encouraged his colleagues to make the most of the fresh concord and zeal, but only for the good of the nation and its

colonies, not for the riveting of the party. There was no contemptuous treatment of the Tories, no persecution of the courtiers, no ruthless purging of the civil list. The Radicals were allowed to look into the State's accounts, but not to sweep away every appointment that gave a modest salary and an ornamental duty to an admiral, a general, or a Fitz-clarence. Courteous attention was paid to Middlesex and Colchester, when they protested, through their delegates, against sinecures ; but no hasty surrender was made of little things which the Crown valued as appanages, and the professions as perquisites.

Lord Althorp bore with an even mind the unkind blow dealt by a Whig squire, otherwise obscure, who got the Commons to vote against the tax on malt ; but he did not so far yield to the rash vote as to give up that indispensable part of the revenue. In framing his Budget, and in covenanting with the Bank of England, he was as careful and temperate as if he had but a bare majority behind him.¹ The settlement of the dispute with Holland, the adjournment of disputes in the Levant, the economy of naval power in the Tagus, enabled him to keep down the expenses of the War Office and the Admiralty.² He set right, of his own accord, the cotton tax which formed part of his first Budget. What he saved by judicious retrenchment

¹ It will be best to notice Lord Althorp's Bank policy when the more important change in the Bank's constitution brought about by Sir Robert Peel gives an opportunity for a general review of the changes.

² About thirteen millions were then considered enough for all armaments, except those of the East India Company. The pensions still due to the men who had served in the long war and were no longer employed subtracted a great deal from the thirteen millions.

he applied almost entirely to the relief of taxpayers. He upset the erroneous suggestions about a return to inconvertible paper money made by a conspicuous Reformer from Birmingham. He condemned a floating bubble of certain financiers who wished for a tax on capital, pressing heavily on annuitants, such as fund-holders and rent-owners, pressing lightly or not at all on manufacturers or other producers. He did not refute the statement of a Londoner who alleged that the existing tax on houses was unfair, because rural mansions which had cost much to build were assessed at lower rates than houses in London streets inhabited by traders ; though he might have argued, in answer to the complaint, that the assessment was properly based not on the cost of building, but on the actual value of the houses if sold or let.

It is remarkable that this case of favour shown by Government to the lords and squires was the only grievance alleged by traders as a class opposed to country gentlemen, or, in other words, by the middle classes, to whom it was said that power had been by the Reform Bill transferred, as against the aristocracy which had before the reform of Parliament made the laws. It is true that the Corn Law was assailed by Mr. Joseph Hume, who said that it secured the landholders a monopoly of food worth twelve millions a year to them ; but this over-precise calculation was only a thought dropped by the orator incidentally.

That the squires were unconscious of being dis-

abled or outnumbered is proved by their spirited attack on the malt tax. Power really lay in the hands of the most enlightened people, whether landholders, traders, or Government officers. The real aristocracy of intellect and character was, in the very first months after the triumph of the Reformers, as strong as ever—strong enough to defend one class from the jealousy of another, and to assuage by courteous reasoning the fretfulness of all malcontents. Legislation came from the few to the many. The few were trusted by the many, and not hurried by their eagerness.

Of the affairs ripe for legislation and effectually touched in the year 1833 it is convenient here to notice more carefully, first, the administrative enactments for the restoration of peace in Ireland ; secondly, an organic statute for the reform of the Irish Church Establishment ; thirdly, the abolition of slavery in the Colonies ; then, the improvement of the East India Company's constitution and practice ; lastly, the reform of municipal corporations in Scotland.

XLI.

THE pride of the British State, if it was puffed up by clever treatment of foreign nations and prosperous law-making at home, found a chastening in its inability to compose the troubles of that nation, which was neither wholly British nor wholly foreign. The victorious Ministers had to confess before the recon-

structed Parliament that they had been discomfited, wearied, and shocked in Ireland. Although its choosing of burgesses and knights of the shires had been peaceful enough, the troublesome island was unusually restless ; and the Ministers said plainly that they must insist on being empowered by special enactment to quell conspiracies, to secure property, and to eradicate some causes of discontent.

Those who were giving trouble were too low to care for boroughs and franchises, too sour in heart to be grateful for the relief of the Catholics. The passing of great Acts, so far from quieting them, deprived them of the topics which had been diverting their minds from evil. They could not live without excitement. They were so servile that, if Mr. O'Connell was known to be busy with politics that would bear the daylight, they were fain to hang upon his lips, and, at his bidding, to form and dissolve associations ; if he left off forming associations for a year, they cringed before some one else and plotted in the dark.

There were nearly eight millions of human beings in Ireland. It would be wrong to believe that all these, or even half of these, were in sympathy with malignant sneaks. But amongst those who hugged property, feared the magistrates, and fulfilled contracts habitually, there must have been a proportion greater than in other countries of stupid and cowardly people ; though in every mass of common people, when left to themselves, there is found to be an inconvenient proportion of dull creatures that cannot

do anything but gape when the few makers of mischief combine against the few obvious victims of malice. Many Irishmen enjoyed nocturnal plotting ; many other Irishmen disliked it. Those who disliked it were not, as in better lands, possessed by the spirit of the law. Life was to them a tissue of customs varied by bargains or jobs. The peasants generally looked upon the gentlemen as interlopers who infringed customs, and also as visitors whom they were to wheedle into concessions. In times of alarm they asked these visitors to protect them against other visitors, to wit, the emissaries of secret societies ; but the societies themselves were bits of Irish custom, indestructible, yet as changeful as the clouds and the fogs. Although litigious enough to support a considerable number of pleaders and scriveners, the Irish people seem to have been below the inhabitants of North Europe and North America in that habitual obedience to law which, when it is universal, constitutes political liberty. The middle and even the upper classes looked to ministerial government as an engine to be worked profitably by those who could lay hold of its pipes and stopcocks ; but they undervalued that juristic government which, like the rotation of the earth, is uniform, noiseless, and inevitable. For the business which is called self-government, for the habitual framing of minor premisses to follow the theorems of justice, and to issue in practice, a nation so weak and loose was not yet suited, when the lovers of equal laws, the believers in popular instincts, the champions

of religious equality, became answerable for the keeping of the King's peace. It was painful, but necessary, to proclaim aloud that Ireland could not be managed on the principles of the English constitution.

It has been said a thousand times that the Irish people are, in the main, Celtic ; and this ethnological term has been taken to account for the difference between the two islands. It has been suggested that the Celts of Ireland would have turned out as well as the Celts of Gaul and of Britain had they been conquered, and for some centuries ruled, by the Romans. Others say that the tribes or clans of Ireland were, during the dark ages, in a fair way to mould themselves into a rational commonwealth ; and that the natural process was rudely interrupted by the 'Norman' invaders who came from England in the early Middle Age ; so that a conquest effected by ruffians breaking in upon a tender civilization is held to be a true cause of a weak national character. These three opinions lie below the political horizon.

The sixteenth century, the first which concerns the student of modern politics, reveals existing difference between the Irish and the English. The England of the Tudors was a compact State, strong amongst European States, but wanting extension ; it made efforts to extend itself by turning Ireland into a country like itself. It had faith in laws framed by the sovereign, enacted by chosen gentlemen, enforced by Crown officers ; therefore it tried to make a second Westminster in Dublin, and to shape some three

dozen counties out of regions formerly shapeless and disorderly. It had faith in a church, or spirituality, which tested its doctrines by reference to sacred books, and defended no traditions that were proved by argument to be discordant with the sacred books ; it compelled the clergy to obey the laws of the realm like other folk ; it required the clergy not to sacrifice or intercede for the people so much as to guide the full grown and instruct the young. It allowed the existing hierarchy to retain lands and tithes all over Ireland on condition that English morals were taught in church and school. It tried to make Ireland like itself.

Such attempts at assimilation have been made in other lands, and have often succeeded more or less. In Ireland the failure is undeniable, and it is the greatest of the drawbacks to the glory of Elizabeth's Englishmen. The attempt was made without methodical perseverance. Some of the Queen's servants sent over to pacify the barbarians were generous and painstaking ; others were inefficient ; there was none of that administrative continuity which we now see to be necessary ; there was no regular series, no profession, of magistrates. The satellites of the Queen's officers were rather the idlers of English towns tempted by plunder, than the followers of lords serving with a sense of fidelity. The Queen might have had a regular force in Ireland commanded by religious gentlemen ; forty years of such government as Henry Sidney's might have cured the diseased race. The Queen was too stingy, too capricious, too irresolute

for the fulfilment of the noble duty. In Ireland she did, what she almost did in Britain and the Netherlands, quench the spirit. When she was sufficiently at leisure she trifled with Ireland ; it was left open to Spanish meddling, which in its turn became an excuse for English ferocity. In those days England, thanks to her feminine monarchy, sinned against Ireland. For the sin penance has been done ; but it is an error in doing this penance to repent of having tried to make the Irish Evangelical Christians. As to the cruelties of the Tudor age, they were just like the cruelties of the Teutonic knights in the Baltic plains, or of the Puritans in America ; they do not account for the modern Irish habit of murderous conspiracy.

When assimilation failed, colonizing was tried. The colony founded in North Ireland by James I. was one of the best of the many similar attempts that have been made in ancient or modern Europe. Such settlements are of necessity based on the forfeiture of lands and the extinction of tribes.

In the middle of the seventeenth century the improving prospects of Ireland were overcast. There was first a reforming government at Dublin which disdained legality ; then an insurrection consequent on the reforming despot's fall ; then a ferocious restoration of order. The weak people were squeezed between the two strongest of Englishmen—Strafford, the King's deputy, and Cromwell, the revolutionist. A period of ten or twelve years, which elsewhere in Europe were years of dull and insincere fighting, stands out in the history of Ireland as the time of

strong and hard action ; and its results are discerned in that hereditary maintenance of a quarrel which, for want of an English word, must be called a *vendetta*.

Crimes of Protestants and Catholics balanced each other, but the account was not closed. By the time that Irish affairs began to interest the whole English people, that is, about the year 1690, it had become manifest that there were two sets of inhabitants, each conscious of great wrongs. The Protestants were few, but so valiant and shrewd that if both sides were left to themselves they could have held their ground against the Catholics in the North-East. But they asked for English help, and, as the Catholics were helped by France, it was impossible for England to look on at the quarrel. After conquering the three Catholic provinces, the English encouraged and authorized the Protestants to rule the whole island. To this end they allowed laws to be passed which outraged human affections, and could not be completely enforced in quiet times. To go on enacting laws of increasing severity is not governing, but fighting. To let laws remain on the statute book which people are allowed generally to break is the way to weaken government.

The existence of a Catholic and Protestant *vendetta*, and of popular antipathy to British law, can be, with fair proof, ascribed to the conduct of known persons, who lived between the year 1640 and 1700, or thereabouts. But there are other Irish phenomena to be accounted for, such as these : the trick of duel-

ling, the trick of riding about the country and living at the expense of gentlefolks, the trick of genteel abduction or kidnapping of brides, the vagrant mendicancy which was computed to amount to a tax of ten per cent. on a farmer's gains, neglect of sea-fishing and slovenliness in the repair of boats, reckless offers of payments for plots of land, extravagance in building country houses too big to be properly furnished or kept in repair.

Setting ethnology aside, the student of political history would be satisfied with saying that whole sets of people, even nations, fall, like individuals, into tricks, and that tricks are the germs of mental derangement ; that the modern invention of alcoholic liquors has very greatly affected many nations ; and that the effects of drink have not been in Ireland, so much as in some other countries, abated by the influence of a religious creed that is more ethical than ceremonial ; that the cheapening of firearms has been mischievous in Ireland, because it has enabled and tempted men to kill, without confronting, wayfarers and dwellers in lonely houses ; and that the discipline of the Catholic Church has made the people childish by accustoming them to special commands and prohibitions, to particular covenants and vows, rather than to principles of action and choices justified by reasons.

It is certain that the people which Mr. Stanley had to control was made up of gentry less prudent and temperate than the gentry of other countries which were called Celtic ; of townspeople less indus-

trious and skilful, less orderly in domestic life, and less public spirited than the townspeople of Wales or Bretagne; of professional classes, including the clergy of both creeds, less rational and dignified than the professional classes of France; of peasants less brave, less trustworthy, less self-reliant than the Scottish Highlanders. It is beside the mark to assert that this inferiority of character is to be imputed to ancient misrule. To accuse the modern English nation of having tortured the Irish nation into disease is one of the Irish tricks.

In August 1832 the Dublin authorities set to work to enforce the law, which commanded the occupiers of land to pay tithes to parsons and also to certain laymen who were called impropiators. This law had been confirmed and sharpened by a statute passed in the twenty-seventh year of George III., which, in ordaining that he who resisted a tithe-owner in getting his dues should be punished by fine and imprisonment, implied that even when the Irish Parliament was in full enjoyment of power, its Church Establishment was in some danger of being impoverished by reason of its unpopularity. It is surmised, though not proved, that tithes were refused by Catholics, who repudiated the State's clergy, rather than by peasants generally on the ground of poverty.¹ In ordinary times the owner could get his tithes by civil process. A tithe-agent or proctor authorized by a magistrate seized chattels and sold

¹ If a lay impropiator was a Catholic he was interested in maintaining the law.

them if the debtor was obstinate. The resolute exaction of their dues was as frequent in England as in Ireland, and some English clergymen were disliked for being strict ; in Ireland this sort of dislike became acute. There is a case recorded in the obituary of a clergyman who brought forty-five actions for arrears of tithe, and was murdered.¹

The minute parcelling of land in most parts of Ireland made tithes fractional, and often not worth suing for. Even the most litigious of divines, even the man who is most scrupulous about saving the rights of his successor, will hardly go to law for a farthing. Many quiet clergymen bore meekly the loss of the pence and the shillings which went to make up their little incomes, and endured indigence without complaint, whilst they bore the reproach and the jealousy provoked by the wealth of their bishops and of some brother parsons.

Soon after the parliamentary victory of the Catholics, and perhaps because of the excitement stirred by that victory, the resistance to tithe-owners became the favourite game of the feather-headed people. It went so far that some clergymen fell into abject penury and received alms. The machinery that private persons could set in motion was found to be quite inadequate. The Government employed the constabulary, a new and good force, to compel payment by seizing goods. The constables were hated ; they were not strong enough to coerce those

¹ In Scotland there were no disputes about 'teinds' (tithes) ; skilful legislation averted them.

who abetted the recusants. They were supported by the regular army, and it was soon found that the army was overworked by this paltry task. By strenuous exertions twelve thousand pounds, due to tithe-owners, were collected by the Government. Arrears ran up so much faster, that the Ministers found it expedient to let the plundered tithe-owners take from the Treasury a million pounds, nominally lent to the landlords, to whom the tithe-tax was transferred from the tenants, but really given at the expense of the nation. It would be easy to level satire at heroic Reformers, who could not either forgive or extort the money owed by rustics. But they did no less than their duty in executing the law as long as it was unaltered, and in going to Parliament for an alteration as soon as they had learnt by experience that it was required.

Successful combinations against tithe-owners inebriated the giddy people. Many who had not shared the mean joy of robbing the Protestant parsons were carried away by the apish excitement into other ways of mischief. Some called themselves volunteers; they were by way of being politicians. Others called themselves Whitefeet; these were amused all through the months of darkness by the game of persecuting tenant farmers who were not in their league. They committed, or attempted, nearly two hundred murders, sometimes by burning houses, sometimes by shooting, sometimes by breaking skulls with staves. Their victims were mostly poor people who held bits of land which other people coveted. Their field of

action was in the more habitable parts of the island, in some counties of Leinster, which was not so barbarous a province as Munster, nor so barren as Connaught, nor so pugnacious as Ulster. They terrified their neighbours so much that only two men tried to earn the Government money by giving information against criminals, though a hundred rewards were offered ; and only seventy-six came to serve on juries where two hundred and sixty-five were summoned. But the terrors of the Government were so much greater than the terrors of the conspirators and assassins, that, when news came of a Bill for preserving peace, an assize town was thronged by jurymen.

The Bill, often called the Coercion Bill, was prepared in Mr. Stanley's office at Dublin, approved of by Lord Grey, and carried through the Upper House with the hearty assent of the Tories. Lord Althorp, like some independent Whigs, had scruples about the harshest threats embodied in the measure ; and, as he had not his heart in the matter, he would have failed to get more than a sufficient majority had not his massive authority been pointed by Mr. Stanley's glittering eloquence. That which was impugned did in truth look strange. Not only was the Lord-Lieutenant¹ empowered to forbid political gatherings, to forbid the inhabitants of troubled districts to leave their houses at night without giving reasons satisfac-

¹ The office was held by Lord Anglesea till September ; then by the Duke of Wellington's elder brother, the Marquess Wellesley, who had been a great ruler thirty years before, but had not kept his place as a statesman of the first order.

tory to the police, to keep arrested people in custody without trial for months, to search houses on suspicion for arms, to shift the scene of judicial process from a place where jurymen and witnesses were under terror to the capital, in which they would be protected. Beyond all these extraordinary powers, he was to supersede trial by jury in the counties or in the baronies that should be declared turbulent, and to leave criminal jurisdiction in the hands of military officers sitting in bodies of five or seven, and assisted by single barristers. This substitution of courts-martial for sessions, for the 'Crown courts' of the assizes, and for those special commissions which were always employed in England for considerable accumulations of violent and seditious crimes, naturally shocked the more precise upholders of civic discipline. It seemed hardly less than the application to Leinster peasants of the dragooning which had afflicted the Scottish Lowlands and the Cevennes in the wicked reigns of Charles II. and Louis Quatorze. There was novelty in setting a trained lawyer to sit with, instead of standing before, a tribunal of soldiers. An English Recorder would have been a good judge for Irish prisoners, and five captains and majors would have been a good jury; but if a colonel presided, and the lawyer was only an assessor, the Court would be too peremptory, and there would be need of another judge to revise its verdicts and sentences. Mr. Stanley was right in exempting the unpaid magistrates from the invidious duty of sitting to determine the fate of culprits charged with homicidal conspiracies.

Captains and field-officers would be not less intelligent than Leinster squires ; they would be less moved by fear or favour. In the debates, which were sober, strenuous, and useful, it was questioned whether Mr. Stanley had made out his case as to frequent intimidation of the men who served or ought to have served on the petty juries. But the more tenable opinion is that for trials arising out of politics and land tenure Irishmen do not make satisfactory juries, and that in the winter of the Whitefeet they were feebler than usual.

Sir Robert Peel did his best to further the Bill ; Mr. O'Connell appeared to some advantage on the other side. Some Irish members spoke sensibly for the Bill ; Mr. Grote began his stainless public life by opposing it on general principles of liberality. Defects were pointed out, and with due slowness corrected. The crudities were softened ; and some of the Tory Peers were disappointed by the amendments. It remained, after all, a more severe enactment than any passed by Tories.

As soon as the Bill became law, in April 1833, the 'volunteers' merged themselves in the conscience and volition of their prophet, Mr. O'Connell. The county of Kilkenny was 'proclaimed,' but no court-martial was held. In May the list of crimes sunk to one-fourth, compared with March. By the end of the summer Lord Palmerston wrote to his brother the envoy at Naples that Ireland was quiet. He had in a former letter exulted in the huge majorities which the Reformed House of Commons gave to the

sternest measure of recent times, and he pointed out that the Government, unlike the Liverpool Tories, unlike Metternich and his fellows, accompanied its menaces with healing gifts.

XLII.

LORD GREY was far from being a dictator, but he gave it out that he would cease to be Minister if the Peers denied him the statute which he framed for the Irish Church. This Bill resembled the Reform Bill in being at once bold and moderate, in touching anomalies which were scandalous, in sparing anomalies which, though condemned by reasoners, did not, at the time, jar with accepted notions. It was what the Scots called an Erastian measure : that is, it was grounded on the assumption that the civil power may give laws to the spirituality. It was a spontaneous concession to the economical spirit of the age which abhorred flagrant irregularities in the distribution of wealth. It was the first decided step towards the satisfying of those Catholics who thought that the clerical system of Ireland was unrighteous ; but thirty-six years were to pass before they were propitiated ; and the Minister who has gratified them was in 1833 one of the youngest members, and one of the most enthusiastic Conservatives of the House of Commons.

The Bill abolished the precarious tax, which in England was called Church Rates, in Ireland Church

Cess. This impost was convenient only when householders and occupiers of lands were of one mind about religion, and willing to vote, in proportion to the value of their holdings, such supplies as balanced the estimates, when the parish officers, that is the parson and the churchwardens, reported to a parish meeting that supplies were needed for the religious fabric and its furniture. Nothing could be more natural than a variable tax, without a hoard or reserve, so long as all the parishioners agreed that the fabric must be kept up. If the founders of parish churches had foreseen that there would arise men so original as to question this religious duty, they would have charged the land directly, or, through the tithes, indirectly; and then the original thinkers about religion would have been told that they had bought or inherited their tenements subject to Church rates, just as they were subject to tithes.¹

The obstinacy of lawyers, whose glory it is to sail ships long after they have sprung leaks, prevented statesmen from meeting the fact of Dissent by providing a fund for the Church fabrics. A trifling percentage on a true land tax would have been sufficient. An obligation fixed on 'heritors' is found in Scotland sufficient for 'manse' as well as 'kirk.' A local tax on land can be levied without taking a vote in an assembly of householders.

The peace of English parishes was troubled for more than one generation by a stupid anachronism and a clumsy fiction. The legislature was silent

¹ The English county rates are in Ireland county cess.

when the high courts of law ruled, against common sense and against the habits of the people, that, after putting it to the vote in the most democratic assembly¹ and being beaten by a majority, the parish officers had a right to levy a rate, and take chattels from those who refused coins. Peaceable Quakers, in the middle of the nineteenth century, left out cheeses or hampers of wine at certain times to be seized and sold for the churchwardens ; Quakers, more conscience ridden than peaceable, went to gaol rather than provide spoil for the spoiler.

At last the legislature swept away the fictitious power, provided nothing instead, and left the fabrics and the graveyards to be ruined wherever parsons were inefficient, to be kept up where parsons and their friends could provide the funds, to be used, on 'common law' principles, by niggards who would pay nothing.

The Grey Ministry took cognizance of the irritation caused both in England and in Ireland by the conflict between legal claims and theological scruples. For England a Bill was drawn up by Lord Althorp, which seemed likely to end the shabby controversies ; he found it beyond his capacity to satisfy the Dissenters ; Nonconformity is the *femme*

¹ Most democratic, because every householder is consulted ; democracy is generally strained through the sieve of delegacy or representation, but not in the vestry meetings of parishes. The 'vestry' is properly the closet in which the parson robes himself ; when it is too small to hold the assembled fathers they move into the church. In some rural parishes vestry meetings are held in taverns ; the smallness of an inn parlour makes the meeting less democratic, but in case of a dispute pure democracy reappears at the poll.

incomprise that baffles a country gentleman. Ireland was, on this point, more reasonable.

The plan adopted for getting rid of Church cess was to provide a fund out of the superfluous income of the clergy. For, although many clergymen were impoverished, yet the sum of all the clerical incomes exceeded what was actually necessary, according to the statistical reasoning of the moderns, for the support of the clergy. There were some benefices which were handsomely endowed ; there were some which involved no ceremonial duties because there were no Protestants in the parishes ; and there was a considerable amount of land belonging to the bishops, of whom there were some whose wealth was exorbitant, and few or none who did not manage their estates foolishly.

To levy a special tax on clerical incomes was nothing new. Apart from such taxes as the clergy paid in common with other British subjects, the incumbents, or holders of benefices in England, paid to the Crown 'first-fruits,' that is, strictly, the first year's income. This was part of the ordinary Crown revenues ; and pious monarchs like Elizabeth and Charles I. spent it on court and camp just like any other money ; but Queen Anne gave it up to the Church, and 'Queen Anne's Bounty,' the kindest memorial attached to any English reign, has comforted six generations of parish ministers. This precedent was followed with a variation. Instead of a single heavy payment made in the first year, future incumbents were to pay small fractions of their

incomes every year. A graduated tax was devised, with that waste of ingenuity in which the lawgivers of the age delighted; and employment was provided for the accountants that must needs prey upon the Church. Indeed, it is almost impossible for British reformers to contrive any improvement without levying a company of paid clerks.

The tax on incumbents was expected to produce, in course of time, two-thirds of the money wanted in lieu of Church cess. But the other third would be derived from a greater fund raised for a greater object.

There were about twenty-three hundred clergymen, and they had twenty-two prelates to rule them. It was declared emphatically that there ought to be fewer prelates, and that the inferior clergy ought to be better paid. The revenues of ten spare sees would, if distributed, abate the misery of rural pastors. Hitherto no interference with sees had been attempted by Parliamentary Government in England; but the power which had recently created a Bishopric of Calcutta could create a new bishopric anywhere in the dominions; and if it could make, so could it unmake. In Ireland there were Tudor precedents for throwing two dioceses into one by Act of Parliament; and although there had been for two centuries only twenty-two there had formerly been thirty-three.¹ A lessening of the number might be justified by

¹ In the mediæval Irish Church there were many bishops without sees; it was an order of clergy, not a set of clerical officers attached to places.

other reasons besides the lessening of the parochial clergy or of their flocks. If a bishop is to do his duty by visiting parishes, his duty is made easier by good roads.¹ But the reformers probably meant, by the reduction, to show that the Protestant Church was shrinking ; and although they thought, or seemed to think, that the Church would ride at anchor more safely if her topmasts were lowered, the evil wishers probably took the lowering to be a sign of proximate surrender.

A Minister who held fast to old ministerial ways of carrying on the King's Government would not be inclined to destroy such offices as Irish bishoprics ; for they were the places coveted by gentlemen for the cadets of their houses. During the last eighteen years of the eighteenth century, when the Irish Parliament was independent and exclusively Protestant, it was found convenient to keep men of parliamentary influence in allegiance to London by more than one kind of indulgence. Prelacy was a fibre of the oligarchy ; a Beresford who was called Right Reverend was as rich and grand as a Beresford who was called Most Noble ; and it was easier for a well-born person to gain in the prime of life a ' palace ' and a ' throne,' than to earn a corresponding dignity in any other profession. To strike off ten of these titles was to give pain to the Protestant lords ; but the glory of the Whigs was to undertake

¹ It must be owned that the time which a bishop gains in facilities for travelling is taken away by the visitors whom the good roads bring to his door, and by the increase of written communication.

the pacification of Ireland without playing into the hands of those who, in Mr. Pitt's days, were indispensable.

Dr. Philpotts of Exeter argued against the mutilation of the Episcopacy from the standing ground of a High Churchman, or Non-Erastian. He said that the State had no right to make a clergyman take a bishopric or see. This was true, but irrelevant. All that the State was going to do was to ordain that, if a clergyman became a bishop of one diocese, he must take it with the addition of a district which had been another diocese.

High Churchmen, whose spiritual conceptions soared above Dr. Philpotts', were shocked on a more intelligible ground; for they held that the State could indeed take away revenues or 'temporalities' from sees, but could not, without sin, forbid the Church to elect and consecrate bishops. Suppress the income of a see, said they; the income is not essential; we will supply all that is essential, the consecrated person. They did not admit that the Crown granted, besides income, jurisdiction. They looked back to ages in which priests and faithful laymen called a man to be a bishop, and other bishops, with priests, made him a bishop; they maintained that the spiritual society existing in the British Isles retained this power, though under a cloud of royal prerogative. It was in their eyes sacrilegious for Parliament to stop the election and consecration of bishops. But the statesmen could not be expected to know that they were shocking these good men. Mr. Gladstone, fresh

from the study of St. Augustine's theology, and pointed out by Lord Althorp to the King as a brilliant orator, might have warned the House of Commons that it was kindling a flame of indignation in the hearts of preachers who would soon have power over the best households in the kingdom. But this was a mystery, withheld for a time.

It was stated without contradiction that the incomes of the twenty-two Irish prelates were in the aggregate equal to those of the twenty-six English prelates. Even the defenders of the smaller Church admitted that out of the hundred and thirty thousand pounds spent yearly by its lordly rulers something could be spared for general Church purposes. The see of Derry in particular, made famous by the fighting Bishop Walker, who died at the battle of the Boyne, was known to be inordinately rich. This wealth, of course, was the increased value of land; and the land was worth more because industrious and skilful men competed for its occupancy. It was obviously right to make the most of such an estate, not for the founding of a new family out of each successive prelate's opulence, but for the support of fabrics and teachers. An unworldly holder of the see would, of himself, bestow on religious things all that he could spare from his riches after honourably doing his own work; a sensible man would not be beguiled into thinking that, because he had an earl's income, he ought to feast like an earl. In lowering the episcopal revenue the State was securing the virtue of divines. The calculated surplus of the

Derry income was so great, that it would have sufficed in France for five or six bishops, in England for one.

It was certified that episcopal estates generally were badly managed. It would seem that every holder of a see made haste to fill his own purse, without due regard to his unknown successor, taking rent in advance under the name of fine for renewal. The law forbade him to let land for more than twenty-one years.¹ Probably the author of this statute meant that land should generally be let for twenty-one years at rack-rent,² an arrangement which has often worked well for landlord and tenant in parts of Britain, since a good farmer finds it easier to pay the unvarying rent towards the end of the period, and the landlord gets somewhat more on a new valuation when a new tenant succeeds. A landlord who has an heir that he loves is content to die without enjoying the increased value of the farm. A bishop, not being able to name an heir to his see, although as a Christian he loves all the brethren, and as a priest loves all priests, does not love his unimagined successor enough to forego, in his behalf, any chance of adding to his own income; and his better feel-

¹ If the law forbade the grant of a longer lease when a possessor of capital wished for a plot of land to put up a house on it, the law clogged production; the period of twenty-one years is thought good only for agricultural lettings. Mining leases form a third kind; Ireland had very little mineral wealth.

² *Rack-rent* is in Ireland a dyslogistic term; in England it used to mean, and ought to mean, full annual rent, as opposed to 'reserved rent,' which is correlative with septennial or other terminal payments. Most Englishmen who hire houses pay *rack-rent*.

ings are apt to be weakened by knowing that he has been left in the lurch by his predecessor. It is in human nature to avenge oneself on the man above by hurting the man below.

A bishop, finding a farm vacant, and not being hopeful about living twenty-one years, would let the farm, not on a rack-rent lease, but on a beneficial lease for a shorter period than twenty-one, perhaps for only seven years,¹ but with an understanding that it should be renewed with the same fine. This understanding tempted the farmer to indolence, a temptation no doubt easily overcome by a man of hard head and strong will, but likely to prevail with Irishmen. It was said, and not denied, in debate, that episcopal farms could be discerned from other farms by an agricultural critic; they were more neglected. The tenant was so far sure of retaining the land that he was not urged to quicken the growth of profits. At the same time he was so far doubtful about transmitting the land to an heir, and so entirely precluded from transmitting it to a purchaser, that he was afraid to employ capital on permanent improvements. Bishops could hardly venture to remove tenants that paid their fines regularly; they had scarcely more power over them than had the lords of manors over those who held farms by showing on demand a copy of the court-roll in which their names were inscribed, and were therefore

¹ Lord Althorp stated that in many cases a lease was renewed every year; a lease of this period is hard to distinguish from tenancy-at-will, or the fine, taken yearly, from rack-rent.

called copyholders. But a copyholder could, by consent of his lord, set free, or enfranchise, his estate by a payment made once for all. The holder of a beneficial lease under a bishop, even if his family had been a hundred years on the farm, could not make himself the owner in fee, because the bishop could not sell the fee.

Therefore the lawgiver proposed to sell to the tenants the perpetuities or everlasting leases at fixed corn-rents, thus raising, it was thought, not less than a million, clear of all episcopal dues. Such a sale could be effected only by 'making a loss.' It must needs be that the purchasers who became holders in fee-simple after having been lessees should get the fee cheaper than if the lands were sold from time to time in the open market. It is surmised that many of the lessees were connected with Church families, and that the encroachment on sacred property was softened by this last term in a series of arrangements, vulgarly called jobs. But the annalists do not follow out these details. It is certain that the extrication of tillage from the 'dead hand,' the severance of agricultural business from the spirituality, was likely to promote better farming, and therefore increase of commodities. But if the Church lawyers had been commissioned to retain the episcopal lands, and to refuse the renewal of beneficial leases, there would have been a greater rental to dispose of thirty-six years afterwards.

However, it was calculated that the sale of perpetuities would do much more than provide the

supplement required for the new fund ; and that, after augmenting the poorest benefices, repairing fabrics, and adding to the number of houses inhabited by parish clergymen, there would still be money to spare. This was distinctly foreseen by the Ministers. They disagreed about the proper way of using this surplus.

Lord Althorp, having formed his opinions in the school of Mr. Whitbread, and having been always more liberal than the old Whigs, naturally took the view of a secular economist, and laid down the principle that the sovereign power was to use public wealth for the good of the people, and followed this up by ruling that the new increment of episcopal rent, when turned into a capital sum, was public wealth ; only he would have scrupled to spend it out of Ireland. Mr. Stanley, who had become the third if not the second man in the Ministry, differed from Lord Althorp. Each had his supporters. The records of their contest are still secret. It is manifest that Mr. Stanley consented to the inclusion in the Bill of a clause which empowered the Crown to apply to general purposes the profit made by the transaction. For this clause was in the Bill, and was withdrawn by Lord Althorp only when the Bill was on the point of going up from the Commons to the Lords. It was withdrawn probably because it was certain that the Lords would strike it out, and the Whigs would neither force the Upper House nor delay the pacification of Ireland. It may be believed that the Lords knew how the

Cabinet was divided. By saying no to the clause they would bring to light this division. Mr. Stanley would not have joined Lord Grey and Lord Althorp in a contest with the Upper House ; and, as he was now Secretary of State for the Colonies, and was wanted for difficult colonial legislation, he could not be spared from the Cabinet. In withdrawing the clause the Whigs did not bar themselves from asserting at a convenient season the right to use for secular beneficence the gains made by secular wisdom in the management of episcopal property.¹

To avoid a rupture, Lord Althorp negatived a doctrine which, perhaps, went but a little beyond his own. This was set forth by Mr. Sheil, an Irishman of showy rhetoric and of good feeling, but not qualified for statesmanship. He asked the Commons to declare, and eighty-six did declare, that 'the property in the possession of the Established Church of Ireland was under the control of the legislature, and was applicable to such purposes as might be deemed most fitting for the best interests of the community at large, due regard being paid to the rights of all parties interested.'

Sir Robert Peel held that it was wrong to seize upon the property of a corporation ; and he thought, erroneously, that the Church of Ireland was a cor-

¹ In the published correspondence of Lord Macaulay it appears that in the first week of June the Whigs did not care for the Lords ; a vote of censure against the Ministers for their dealings with Portugal was slighted ; in the last week of July the Lords were felt to be capable of displacing the Ministry by an adverse vote on the Irish Church Bill. This change of feeling is accounted for on the hypothesis that the Lords knew the Cabinet to be at one in foreign policy, divided in Irish policy.

poration. There were in Ireland ecclesiastical corporations, called by the composite name of Deans and Chapters. These ideal immortal persons held estates, and Church Reform taxed the estates. They were in Ireland too poor to contribute largely to the fund for augmentation of benefices ; but they were not exempted, and their case might soon draw after it the free handling of estates belonging to the richer bodies which held the English cathedrals. There was in Dublin a Protestant, yet not necessarily ecclesiastical, corporation, called Trinity College. It was favoured by the Act ; but it was clear that the modern legislature would not always favour colleges.

There was so much similarity between prelates of twelve and fifteen thousand a year, living in palaces, and their lay cousins living in castles, that it was not a surprise when a peer inveighed against the Church reformers for endangering the property of landowners. Yet it is obvious that one who holds estates because he has been appointed to an office is not wronged if he is told that no one after him will hold the same estate on the same tenure ; he is wronged only if he is himself deprived of ownership, or any incident of ownership, without compensation. The Reformers meant to make an Irish bishop a happier, and perhaps a holier, man by forbidding him to fret about fines and renewals ; they meant to give more diocesan employment to those who held permanent sees and survived the holders of suppressed sees ; they did not propose to give them more money for the greater service, and it might have been argued

that their expenses would increase with the enlargement of their field of duty. In these arrangements there was nothing that could be by analogy applied to the laymen who held estates purchased or inherited without public offices attached.

What the Bill portended was neither more nor less than the abolition of the Irish ecclesiastical Establishment. But such establishments are things of yesterday ; they can be formed, they can be destroyed, without touching the institution of property. If the French once destroyed ecclesiastical tenure of land, and in the same year confiscated the lands of certain laymen, this was a coincidence, not a concatenation. It was not to be inferred that any Parliament, however democratic, must in any country pass from the clergy to the laity, or to any part of the laity, when delivering land from mortmain.

The Peers consented to the suppression of ten Irish sees. Probably they were, for the most part, convinced that this was the best thing that could be done for preserving the Protestant religion in the Catholic island. Whatever it foreshadowed as an ultimate consequence, the measure itself was marked by prudence, and it was made law by force of persuasion.

At the very time when the Peers were debating the Irish Church Bill, the Commons were proving their respect for the claims of proprietors in a spirit of justice which went beyond legality.

XLIII.

As soon as he had overcome the resistance of the ninety men who opposed the Peace Preservation Bill, Mr. Stanley let drop the combative and dangerous office of Irish Secretary. Instead of being a Secretary to a superior officer of the Crown, he became one of the three Secretaries of State who had no one between them and the Monarch. He took the Colonial Office, which had been held in 1829-30 by a resolute soldier, but in other years had been presided over by men too inactive to master the permanent officials. A strong will was needed in the department ; and a question which had been kept simmering for ten years was now to be set in the flame.

Mr. Stanley is said to have, by himself, framed the legislative measure called the Act for the Emancipation of Slaves, which employed Parliament at intervals through the second half of the great session. His proper advisers in the office knew a great deal about the slaves, but they had not in this case, as usual, a great advantage over people not in office ; for there had been reports lately issued by parliamentary committees which examined witnesses fresh from the slave lands ; and there was an anti-slavery society which, by a regular periodical journal, by occasional pamphlets, and by oral statements made in meetings and reported by newspapers, kept the people of Britain abreast of their skilled servants in knowledge about their tropical dependencies. A

certain book-keeper or clerk, who had been employed for three months in Jamaica, and had seen how a plantation was managed, put his evidence into a pamphlet of which two hundred thousand copies were dispersed by sale or by gift in the early summer. There was no subject more popular, none more easy to preach about.

The reasonable zeal, which had in 1807 urged the Whigs to abolish the slave trade, which had in 1814 compelled Lord Castlereagh to appear at Vienna as the deliverer of negroes, which had sustained every Board of Admiralty in keeping up squadrons to enforce Lord Castlereagh's treaties, was not peculiar to devout Christians. But the emulation of Christian sects, and that desire of enterprise which gives life and personality to a voluntary congregation, were constantly aiding the bondsmen, and frequently stimulating the men of the world. The House which Mr. Canning led had agreed with one voice that the condition of the negroes ought to be improved ; nor did anyone openly sneer at their being taught Christian doctrines. Missionaries were employed by the British congregations to train the human beings who belonged to the landowners of the sugar-growing and coffee-growing islands. In ordinary times they were free to build chapels and to open schools for the blacks. But when the blacks were childishly exhilarated by those rumours of liberty which were the broken echoes of parliamentary speaking, the managers of plantations, remembering the slaughter and pillage which followed a similar fermenting of hope in the French colony of

St. Domingo, were not unnaturally frightened ; and in the paroxysm of precaution they were unjust to the Christian teachers, whom they took to be mischief-makers.

In Demerara, a rich land taken from the Dutch, there was one of those fits of fury which, since the invention of alcoholic liquors, have often disgraced the European races. A good minister, employed by a Missionary Society, was cruelly imprisoned, and by the imprisonment slain. His innocence was proved by Mr. Brougham and Sir James Mackintosh to the satisfaction of the House of Commons. A clergyman of the Episcopal Church bore witness for him at his own peril, saying ' that the planters sought the life of the man whose teaching had saved theirs.'¹

In Barbadoes, the oldest of the English sugar colonies and the most thickly peopled with white people, a mob tried to kill a Wesleyan missionary ; an Episcopal clergyman gave him a hiding-place. Thus the Gospel had its martyrs and confessors, clear of legendary haze, authentically enrolled, and made known to multitudes. Such men were the heroes of an age of abstinence from war.

The gentlemen, who spent in England the profits of West Indian estates, profits which most of them

¹ This clergyman, Mr. Austin, was recommended for promotion by a bishop to the Lord Chancellor, Brougham, avowedly on the ground of his gallant conduct in Demerara. The Chancellor, of course, knew all about him ; but it was hard for him to find benefices for all the deserving men. During his tenure of office, four years, he was presented with twelve hundred volumes of sermons.

mistook for permanent rents, shared with their partners who watched the crops, with their agents, and with harder men who took plantations as temporary investments, the reproach of persecution. They were hurt at being misunderstood ; as philanthropy became intrusive, they began to feel that they were themselves persecuted. They believed that their slaves were happier than English cottagers ; and one or two light literary men printed narratives of towns or visits which seemed to confirm the belief ; for the travellers had seen the easy laughter—not the whippings ; had seen the labourers resting and forgetting, but had not counted the hours of labour. Believing in their own good intentions, the proprietors vehemently resented interference ; and they were too respectable to be lightly handled by Ministries.

All through the last seven years of Tory Government the friends of the blacks were hopelessly weak in Parliament ; there were but six members who were ready to sacrifice other projects to the project of emancipation ; the Liberals who gave them excellent help in an occasional debate were not inclined, and could hardly be expected, to be what men of the world called ‘impracticable.’¹ At no time before 1830 could the members who were for the extinction of slavery equal in numbers or influence these purchasers of boroughs who sat in the House to defend their sugar and coffee. But a project could even in the old House be kept before the leader,

¹ This word historically belongs to the section of Whigs which for a few years followed Mr. Whitbread.

session after session, by one or two uncompromising men ; and year after year it became more difficult to prevent the disturbance of West Indian chattels.

The Liberal Tories who had the upper hand in the last three Tory Cabinets durst not fall short of Mr. Canning's philanthropy ; but they were afraid to over-rule the little Parliaments of the sugar islands.

There were four colonies, which, because they had been recently won in war from France, Spain, and Holland, had no representative assemblies ; they were called by a name as uninformative as most English political terms, Crown Colonies. These were treated with less deference than the brilliant Jamaica and the chartered Barbadoes.

There were three or four little islands which had their Parliaments, and yet were fairly respectful to the imperial Parliament ; in these it was thought that a known Abolitionist would perhaps escape stoning. When advice given by the King in Council was disregarded, it was suggested that the less obstinate islands might be tempted, and the others frightened, into compliance with the Orders which mitigated slavery, if differential duties were levied in British Custom-houses on their produce, so as to charge, say, a pound of sugar a shilling if it came from a place where women were scourged, and sixpence if it came from a place where women were not scourged.

There were two things in conjuncture, which brought the ten years' bickering to a final conflict and reconciling. One was an alarming revolt of blacks in Jamaica. The other was the Reform Bill.

Of the seven hundred thousand slaves not less than half were in Jamaica. In this inflammable multitude there was, besides the credulity of ignorant men, a loose consciousness of being numerous. In December 1831, when the rioters of England were settling down, the negroes of Jamaica rose. Then began a short servile war, such as had been dreaded by the best informed philanthropists. It is conceivable that the reins of mastership had been drawn tighter after the planters heard that society had felt the upheaving of wild hopes in English towns. The terrors of the second period of revolution in Europe may have hurt the temper of Jamaica creoles, who had till then persevered in trying to prove to the liberators that the slaves were kindly treated. Whether the blacks were provoked by increased severity, or only excited by a vision of a wonderful deliverance, or, as is most probable, stirred by mixed motives and by passions too irrational to be called motives, at all events they took up such arms as they could get, and struck such blows as they could strike; and, before they were thoroughly possessed with that fiendish lust of havock which soon carries away barbarous rioters, they were subdued by the magistrates, the soldiers, and those white men who, under the title of militia, had undergone some discipline. The victors proceeded to destroy seventeen chapels, apparently because they thought that disobedience to masters was taught in chapels. They fell upon Christian teachers as if they were ringleaders of a seditious party. Two of these gentlemen got away to Eng-

land; and, if they were such bad Christians as to wish for revenge, they found their opportunity.¹

The Parliament which reformed the House of Commons was deeply in earnest about other things besides its main work. Many who had been chosen to deliver Britain from the boroughmongers had promised also to release their black fellow-subjects from forced labour. Peers who owned land in the West Indies, whilst waiting for the third Reform Bill, asked for and obtained a committee to inquire into the grievances of the planters. Lord Howick, the eldest son of the First Minister, and the representative of the Colonial Office in the Lower House, said, in the name of the Government, that all attempts at persuasion had failed, and that the ruling class in the colonies, having refused to obey the orders of the King's Council, would soon be subjected to the imperative authority of the supreme legislature.

On May 12, whilst almost all the world was thinking of the Lyndhurst manœuvres, the enthusiasts held a public meeting just as they would in any other May; and Mr. Buxton, member of Parliament for Weymouth, who for seven years had been the political successor of Mr. Wilberforce, declared solemnly that fifty thousand slaves had been murdered by their drivers and jailers; nor did he make any statements to his friends which he did not make as a witness before the Lords' Committee. No sooner had the

¹ 'Creole' is a term used by the French and the English to denote their fellow-countrymen of pure blood born in the Antilles or in the sub-tropical parts of the American mainland; it is a stupid mistake to apply it to people whose European blood has a tinge of African blood.

Whigs resumed their places after the defeat of the Lyndhurst politicians, than Mr. Buxton compelled them to institute inquiries about slavery, with a view to early action. Nearly everyone told him that he was wrong. He was entreated to let the Ministers alone till they had got the Reform Bill through the House of Lords ; and according to received notions of management he was too importunate. But his reason stood rooted in faith. He cared so little about himself,¹ that he could take with an even mind the alternate censures of adversaries and of followers. He could quote the most sacred literature without canting, and work out documents for the legislators as accurate as the ledgers of his brewery. He was as high-mettled as any sportsman, and he feared men of fashion no more than he feared an election mob at Weymouth, or a rustic band of machine-breakers in Norfolk. If there was any man whose argument for delay would have checked him, it was Doctor Lushington, a liberal civilian,² who, rather on general principles than on specifically Christian principles, had aided the abolitionists, and had striven with success to obtain for the free people of mixed race equality of legal rights with pure Britons. But not even this excellent ally could induce him to lose the summer of the reforming year. And he was quite

¹ Sixteen years before he had held a mad dog in the air at arm's length with one hand, whilst working the other hand into a glove for fear of the poisonous slaver ; the story looks like an allegorical forecast of his political career.

² Here 'civilian' means a man skilled in the 'civil law,' which was supposed to be the law that guided one or two courts of judicature in London.

right ; for it is when men are most active that they are in training for prompt and earnest attention to a difficult question ; and the bow bent for English liberty could well speed another arrow before it slackened.

Mr. Buxton demanded a committee to inquire into slavery, and to bring about its early and complete extinction. Lord Howick gallantly endangered his fair prospect of inheriting a glorious chieftainship by supporting the zealots. Mr. Macaulay preferred bearing the reproach which his stern father had long been bearing, rather than please the cautious world. Lord Althorp did what he thought his duty in screening the planters once more ; but he discovered that they had ceased to rely on any member who was not sitting for a false borough.¹ He had a majority in a small gathering of members ; but he admitted that Mr. Buxton, who had ninety backers, was in a fair way to become irresistible. A committee was granted, for inquiry only, without an implied promise of abolition of slavery. A Cabinet Minister presided over the committee. The two exiled preachers gave evidence, and not having been challenged by adverse witnesses went from Westminster to county towns, repeating, without fear of gainsaying, what they had told the legislators. So that when the people of Britain was, for the first time, invited to share in the management of its own affairs, the quarrel with the planters took in the professions of

¹ ' Nothing would do for them but Schedule A,' that is, the condemned boroughs.

candidates, and in the demands of voters, just such a place as in other times would be taken by a quarrel with a foreign nation ; and the new House of Commons, which met in 1833, was mainly composed of men who had promised to overrule the advocates of hereditary bondage.

In a nation more legislative and less tenacious of custom than the Britons, the impulse and the conviction which made some Act indispensable, would have given power to a leader of strong head to carry an Act without hesitation and without much bargaining. Reform had for a year or two such a ground swell that the great ' Interest ' was carried away ; but out of the wreck the West Indians were able to save materials for an ark of refuge. They said, or at least the Tory historian, who was a good citizen of Glasgow and must have heard the talk of merchants, has said for them, that the elected lawgivers were afraid of the electors, and shrank from the just defence of legitimate property. For fear they should suffer judgment of prostration, or be condemned unheard, the owners of lands which were stocked with slaves held a public meeting and drew up a solid protest against the destruction of their establishments. They alleged that they or their fathers had trusted to the law, when they brought negroes from Africa, or purchased lands already peopled and tilled by negroes ; it was, they thought, monstrous to deprive them of the right to sell what they had bought. They pointed out a fact which it was easy to miss—that there were dwelling in England many gentlewomen

whose income, under marriage settlements, was drawn from fixed charges on West Indian Estates. To call upon widows to forego their settled incomes, or to share the risk of trying to grow sugar cane and coffee plants without forced labour, was harsh and cruel. A trader, with many chances of setting profits against losses, might perhaps escape from Jamaica without ruin ; but the feeble annuitants who had been brought up delicately, in years when sugar was as much part of the British constitution as corn, were in danger of being impoverished ; and to what end ? that the Spaniards in Cuba, the French republicans in Louisiana, the Portuguese in Brazil, the Hollanders in Surinam, might supply the British markets with the produce of unpaid African labour, and that the islands won and saved by the Rodneys and Nelsons might become wildernesses for black idlers to bask in.

The more intelligent planters knew that too much sugar had been made in the war-time, when the English cruisers gave them a monopoly ; that poor lands, then thought and proved to be capable of bearing crops with profit, had been since taken by mortgagees or speculators at prices that could not be kept up ; that the demand for sugar had rapidly grown, and that its supply in the British West Indies had been falling off ; that the greatest efforts had been made to get work out of the blacks, and that they had worked no better, although flogged much oftener. There must be new methods, new owners. The islands could no longer support the annuitants.

It was time to submit to circumstances ; and, if the colonies produced wealth without eventual decrease, the wealth produced would have to be distributed more amongst industrious residents and less amongst the inhabitants of English towns. It was made out that the profits of tilling land in the islands amounted to a million and a half pounds sterling a year. As there was then no income-tax levied by the British Government, one could not try the truth of this estimate by comparing it with the confessions made to the collector by the payer of taxes. It was not proved, it was impossible to prove, that the million and a half would be curtailed by the substitution of wages for rations and stripes.

It was expedient to accept the reckoning without demur, and to treat the income as an annuity to be commuted for a single advance of capital. But the estimate was so far disparaged that the reformers at first thought to commute for not more than ten years' purchase ; and the fifteen millions which Mr. Stanley proposed to advance, he was advised to call not a grant, but a loan. The West Indians, not yet having learnt from Irish experience how easy it is to let a Government loan degrade into a gift, through the intermediate stage of a 'bad debt,' insisted on a downright payment, and for not fifteen but twenty millions ; this was over and above a grant of one million voted without delay to indemnify those who were plundered in the servile war, and to console some others who were damaged by storms.

To the more austere accusers of the planters, Mr. Stanley and Mr. Buxton, who assented to these proposals, seemed far too indulgent. But politicians saw that the burden of interest on a loan of twenty or twenty-one millions, raised to defray the charges of compensation, could be imposed without annoyance or cavilling ; since it was no longer a government of privileged classes or interests that came into 'the city' offering to one of these classes the profits to be squeezed out of a new lump of 'stock,' but an assembly fresh from contact with the pith of the nation, and emboldened by the cheerfulness of those who have just entered on their birthright. To buy the freedom of bondsmen is a delightful employment of wealth ; to relieve the half insolvent owners of wasted lands, to give them cash and push them off into some better industry, to rescue helpless ladies from the torture of doubt, and to provide the children of amiable spendthrifts with just enough funds to secure their being reared as gentlemen, were happier excuses than a quarrel with France or the exigencies of a George for an increase of the national debt. And the national debt itself had become, in the eyes of many people who could manage their own affairs, more positive than negative. Every active man wished his inactive sisters or aunts to hold tight to the national debt ; and as sisters and aunts increased in number they wanted more pipes for drawing periodical supplies out of the cistern. No one could buy consols without turning some one else away. The established maxim, ' Be content with the three

per cents,' could be obeyed by the new comers only on condition that holders of consols made way for them to grasp the securities, unless the State added to the accommodation. A new loan was an enlargement of the depository guarded by the powers of the realm; and, although the nation was then on the verge of a new economic system which was to contain other depositories for the hoards of the timid and the unproductive, this prospect was not yet open to trustees and their advisers.

Moreover, a new loan, if raised on terms more favourable to the State than former loans, was a proof of the city's confidence in the Administration; and the Foreign Office, always on the look-out for a card to play in the game of international brag, was proud of the twenty millions; because any foreigner could see that England could resume with alacrity that brandishing of the purse which was her old substitute for great levyings of soldiers.

The redemption of the slaves, though a splendid bounty, surpassing the bounteousness of princes, was politic. It lifted greater burdens than it imposed. It shut the mouths of anxious and fretful gentlemen who had been somewhat spoilt by the favour of Ministers, and somewhat hurt by the precious balms of philanthropy. It enabled the more astute men of business to get away from a part of the world in which investments were too precarious. A certain Liverpool merchant, for instance, had, just before the emancipation of the negroes, bought a coffee planting in Jamaica for sixteen thousand pounds; he now got

his slaves valued, and three years after the passing of the Act he received from the Parliamentary Grant nine thousand pounds to compensate him for the loss of the power to force labour out of their limbs ; four years later he sold the estate to his manager, because he found it getting less productive, and not worth the trouble it gave. He found the transaction on the whole quite satisfactory.¹

Mr. Stanley bestowed much pains on contriving a gradual transition from pure bondage to pure freedom ; his intentions were good, but his ingenuity was thrown away. He set himself to the task of calculating what wages the planters were to pay to the negroes during the twelve years which they were to spend in the ambiguous condition of apprenticeship. The English apprentice, on whose outlines the type of the half-free negro was modelled, was with some ease protected by neighbourly opinion and by the magistrate ; he could, if wronged, apply in open court to have his indentures, or bond of service, cancelled, on proof of the master's breach of covenant. But it would seem excessively difficult to establish permanently, and very extravagant, if possible, to establish for twelve years only, a legal sanction of the contract of apprenticeship in such countries as Jamaica, Barbadoes, and Demerara. Complying with the entreaties of Whigs, who were not fervent dis-

¹ It is remarkable that the colonies ranged from 120*l.* to 20*l.* in fixing the average value of a slave ; the highest figure was given by British Honduras. It looks as if this colony had opportunities in its situation for the export of slaves to places in which there was a lively demand for them.

ciples of Mr. Buxton, the lawgiver reduced the length of the transition. He ordained that the unskilled labourers employed in the fields should be free in seven years, and that the skilled craftsmen should be free in five years. The attempts consequently made to carry on business despotically, but without the whip, failed so wofully, that the planters were fain to let go their imperfect chains, and take the compensating money. About three years after the Act was passed, the ugly little mountain, called Antigua, was found to be inhabited by sensible men, who asked for their compensation moneys, and at once got the freed-men to work as hirelings.

Unless negroes are very different from other barbarous or half-childish men, they must have been spoilt for voluntary industry by the sulking and fretting of their masters during the years of imperfect obligation. If they were, as travellers said they were, affectionate and impulsive, they were likely to begin working for wages in good spirits on the very day when they knelt in their chapels to follow their preachers in uttering thanks to the Unseen Giver of freedom, and to take on themselves the duty of providing for their infirm kinsfolk.

There has been loud wailing over the decay of the sugar islands since the slaves were freed. A writer too sublimely prophetic to take cognizance of economical maxims has mourned over the vision of strong black men lounging in the shade, content to eat yams, and to wear calico of many hues. Some votaries of dismal sanctities, such as 'the gospel of labour,' were

at one time inclined to scoff at the first-fruits of British Reform, and to undo the abolition of bondage. It was thought part of the vulgarity of the moderns to strive after homely justice, and to applaud the Puritans and the Liberals who had been allied in the cause of domestic freedom.

Ten years after the liberation it was the fashion to say that the liberators had done no good except to the foreign rivals of British planters. The best answer to this was, that the British people itself had been, once for all, rid of its planters. It was better not to have amongst the gentlemen of the nation any set of men brought up from childhood in the ways of slave-owners.

Sir Charles Lyell, a trained observer, and at the same time a country gentleman, travelled twice in slave-owning states of North America, and, after being propitiated by gracious hospitality, gave evidence against his entertainers, and made it easy for his readers to understand that men of English birth, creed, and tastes were by the possession of slaves brought lower than men of the same kind who employed free servants. Furthermore, he taught, what the history of servitude in Europe already proved, that it is generally less profitable to employ slaves than freemen.

It might be more profitable to employ slaves as long as they were treated like oxen and horses. An old Roman who did not allow slaves to rear weakly children, and who killed off aged and crippled slaves, might carry on farming successfully. There

was a certain West Indian planter whose memory was preserved in a song sung by the negroes when Mr. Lewis, the novelist, went to see his own plantations. Mr. Lewis was told, and believed, that this planter had a place on his estate in which he deposited his negroes to die without shelter or food, when they were unserviceable. Slavery maintained on such a plan as this might have been profitable. But the last race of planters was a race of good-natured men, who felt that the blacks were human beings, and their benevolence abridged their profits by keeping up a mass of encumbrances. They had to do for their sick and aged slaves all that free-men do out of their earnings for sick and aged kinsfolk and neighbours. Yet they connived at a practice which tended to the increase of sickness. They allowed their managers to raise too high the standard of labour, particularly of women's work in the fields. The men were often, perhaps generally, overdriven; the women were disabled from suckling their children. As profits decreased, more strenuous efforts were made by the managers to force the slaves into greater toil; and as the fear of the whip was almost the only motive brought to bear, it is no wonder if labour became less productive. It was proved to Mr. Stanley's satisfaction that the slaves were dying off under the increased severities, that planters were not ruined when of their own accord they manumitted negroes and continued to employ them, and that black strangers released after escaping into English islands

from ships of slave-owning Americans did good work for wages in the neighbourhood of slaves.¹

It seems probable that, if they had waited to see how a fresh generation of blacks, who had never known the driver's whip, behaved under contract, the despisers of philanthropy would have refrained from some of their scoffings. But the generation of blacks stupefied and embittered by cruelty did not pass away so soon as the last set of gentlemanlike planters. Labourers made unnaturally idle through inveterate sulkiness remained on the estates long enough to wear out the patience even of owners who had bought land cheap. And after all it has never been proved that the African race was the best suited for the tillage of American islands. In their own country Africans, since they have been protected from kidnapping, and in so far as they are rescued by emigration from tyrants of their own complexion, labour well enough to satisfy Liverpool traders. But in the tropical regions of America, either the standard of exertion is still kept too high, that is, the masters expect too much from their servants, or the indolence and unthriftiness of the negroes make them fall short of a reasonable standard ; or else they are good enough for some purposes and in some places, but not on the whole so efficient as the voluntary emigrants from Bengal.

¹ On the other hand, it is in evidence that negro women in Guiana, though free either to work or to be idle, and not on the whole overworked, suffer their children to die very fast, out of mere carelessness. Before emancipation it was not unusual for planters to give prizes to female slaves for successful rearing of children.

Make the most of the disappointment, and the bathos, and yet it remains true that those who paltered with injustice and delayed redress did more harm to the white men and to the black men of the colonies than the Whigs did when they yielded to the arguments of the Anti-Slavery Society and to the impetuous generosity of the new voting bodies.

Suppose it to be admitted that it was but a clumsy ingenuity which broke the fall of the slave-owners ; yet it is probable that liberation effected by a bolder and neater hand would have given a worse shock to all concerned. Nothing short of a miracle could have saved the great bulk of the planters from parting with their estates ; and, if all the estates had been offered for sale at once, the loss sustained by the vendors must have been much greater.

It was provoking in the years of economic reform, in the years of the Peel and Russell Ministries, to see the West Indies less flourishing than of old. But the commonwealth of England was lucky in getting off as it did from the consequences of two signal mistakes, the kidnapping and breeding of Africans for the service of Americans, and the establishment of little colonial parliaments, where the givers and the takers of legislative powers were very few, and had a bias against justice.

The Act of 1833, which extinguished slavery without spoliation, is on the whole the most remarkable sequel of Reform. It expressed, in a form striking, intelligible, and attractive to all observers in Europe, Asia, and North America, that national mind which in the ages before Reform found no adequate

way of uttering itself. It was the most conclusive proof that could be given of the doctrine that the true aristocracy of England had been choked by boroughmongering ; for it was by boroughmongering that the West India interest had held its position. Mr. Burke in his best years had shrunk from a contest with the supporters of slavery ; they were too strong in Parliament to be dealt with by the Rockingham Whigs. Mr. Pitt, in the fulness of his sovereignty, dared not set the fortunes of his Ministry on the issue of a battle with that magnificent league of planters and merchants. As soon as the venal boroughs were destroyed, Mr. Stanley took pebbles from the brook and overthrew the giant.

XLIV.

BESIDES the Irish clergy and the West Indian planters, there was a third body of proprietors for which the Grey Cabinet had to make a new scheme. This body was a real corporation, a joint-stock company, whose existence was indisputable, whose rights were embodied in public and intelligible documents.

The East India Company was not a society once for all formed by a deed or charter, professing to be immortal, fixed in structure, incapable of organic change ; such might have been its character had it stuck to trade. In trading with the inhabitants of India the Company had been for a hundred and

twenty years compelled to turn factories into forts, and servants into garrisons ; so far it resembled the Hudson's Bay Company, which employed armed men to guard its peltry in North America ; each society was obliged, in default of a protecting sovereign, to defend itself. But India, unlike North America, was during the eighteenth century a land in which there was much regular industry, and therefore much competition for the privilege of ruling, that is to say, of plundering under the semblance of reigning. So it came to pass that the English traders were not content with guarding their warehouses ; they were drawn into the game of bargaining for privilege. At one time they bought a piece of land so as to keep native chieftains a little further from their ships ; at another time they lent their mercenary soldiers to a ruffian who wished to drive off some other ruffian, and they were requited with territory or with the concession of a right to gather taxes over a district in the name of a remote sovereign.

All these operations were carried on in the furtherance of trade. Every step they took helped them to push their imported wares in the markets. A man who collected the revenue of a monarch had a better chance than others of buying the country's produce when he wanted it, and at a price convenient to himself ; he could easily show his London employers that he was getting them customers, and he could meanwhile enrich himself by lending money at Oriental rates. Every step taken into the heart of the country was an extension not merely of the Company's trade, and

the agent's usury, but also of patronage ; for there were more clerks wanted at every step. The patronage became so comfortable as to attract politicians in London and in Edinburgh. The transactions were so vast that the Company was assumed to be making great profits, although the wealth that flowed from India was really the wealth of individuals got by adventures of all sorts, rather than the surplus on the Company's balance-sheet.

For the sake of the Madras establishment the State had waged war with France ; and part of the national debt was fairly imputed to these wars. Therefore the State, when beset with foes and creditors, turned to the Company for money. Hence the necessity for modifying the company's charter in 1784. The rival politicians, Mr. Fox and Mr. Pitt, agreed in wishing to give the State a share of the profits and of the patronage, to strengthen the Exchequer by drawing a contribution, to strengthen the Crown and the Government offices by taking, for patronage, some of the salaries which the Directors of the Company paid to Britons. But they did not attempt to discriminate between the two functions of the Company—its trade, and its jurisdiction. In 1784 it was more like a ruler than a merchant ; but no one could say where the merchant ended and the ruler began.

Twenty years later, when the lease had to be renewed by Parliament, it had been at least ascertained that the Company had no money to spare ; all it received went to pay dividends on its capital, after paying its military and civil servants ; and it had

increased the capital—that is, had borrowed money, admitting more shareholders, or, in other words, fastening on its Indian revenues more British encumbrancers. It had strengthened the Government at home by furnishing the Presidents of the Board of Control, its dignified and amiable guides, with enough writer-ships and cadetships to buy many Scottish, perhaps some English, votes in Parliament ; its durable conquests had kept up the spirits of the nation which elsewhere lavished stores and lives on mere expeditions. If it had traded briskly, its imports would have handsomely swelled the British Custom-houses, and the duties levied thereon would have supported the Treasury with more cash than could have been asked for by way of direct tribute. But it had not traded briskly. It had ships enough to furnish employment for Surcouf the corsair, and for the English captains who recaptured from Surcouf. It had some ships so big and so well equipped as to form line of battle and daunt a French admiral. Its docks were part of the glory of London. It had warehouses for many chests of tea which were fetched through stormy waters not yet patrolled by royal cruisers ; there were sometimes empty tea chests belonging to the Company's servants, who filled them with things yet more costly than tea, and took advantage of their position to do some lucrative smuggling.

But the Company made nothing, or at least could not prove that it made anything, by any other branch of trade than the China trade ; and through twenty years of manufacturing and distributing enterprise

the monopoly still retained by the Company kept down the exportation of British goods to India within a yearly million's worth.

In these days, although by law three thousand tons of shipping were set aside for the use of private traders, this space was not always filled by the goods of private traders. For such adventurers, even if under licences granted, or by settling in Calcutta on false pretences, they got a footing in the Company's dominions, were, or thought they were, hampered by regulations, by caprice, and by the favoured competition of the functionaries.¹

The modern division of labour between the carrier of goods by sea, the merchant who pays for freight without owning ships, and the underwriters who insure goods, or ships, or both, was in contrast with the ancient method of the Company which owned and armed the ships in which it bore its own commodities. To the cry of the modern adventurers, on the eve of the great peace when the world's rivalry was to break in upon them, the Liverpool Ministers granted, with some drawbacks, the opening of traffic with India ; and in six years the value of exports from Britain to India increased threefold ; the Directors held tightly to their monopoly in Canton,

¹ For instance, a lawyer practising in Calcutta sent for a young cousin offering to start him in business ; the lad's friends had to curry favour with a lady of fashion, and she with a high official, to beg of a Director a cadetship or commission in the Company's army. As a cadet he could get a passage for 100*l.* in a Company's ship (the profits going to the skipper), and on getting to Calcutta he did not apply for military employment, but went into a cotton factory, by connivance. If such a smuggled settler took to growing crops he had to get the land in the name of a native.

and the second renewal of their charter for twenty years implied the adjournment of other questions.¹

There grew up a body of Proprietors—that is, of British subjects holding Indian stock—who could think for themselves about the administration of the country from which their incomes were drawn ; they had some influence over the twenty-four Directors. A politician might spend many summers in London without encountering this host of conscientious annuitants ; but if anyone set himself to study the affairs of the Company he could at any time learn much from men who knew some parts of the country and had observed some facts about its many races ; he could arrive at a critical estimate of the Directors' conduct without the bitterness and exaggeration which had been rife in Mr. Burke's days.

The Directors were probably disconcerted when they found that they had to arrange the renewal of their lease, not with their old masters the Tories and the permanent officials of St. James's, but with the leaders of a party which seemed to hold power on the condition of finding objects for Liberals to dissect. It must have horrified them to be told that Mr. Hyde Villiers was working hard at their published accounts to discover how much of their expenditure was military, how much was purely commercial. It is left to the imagination to conceive how shocked they were when Mr. James Mill, their clerk, the intractable Radical, the author of a solid

¹ The coasting trade was interdicted ; and no ship under three hundred and fifty tons was admitted to any trade with India.

and austere book about their policy, was examined by a Parliamentary committee as to the changes required in their constitution. Worse than all, Lord Grey had let loose on them the youthful zeal of Mr. Macaulay ; youthful they thought him because he was thirty-two years old ; but he was just at the right age for mastering the details furnished by other men's minute labour and for uttering with due fervour thoughts that were broad without being too profound. His courageous wisdom gave importance to the place that he held in the Ministry ; he was subordinate to Mr. Charles Grant, President of the Board of Control, and their minds moved together in their office and in the House of Commons.

The Board of Control was for the first time broaching in Parliament a great scheme, and it was going to take such a superiority over the Court of Directors as to direct what was correctly called the foreign policy of British India. Although Mr. Charles Grant was far from being dictatorial in temper, or inconveniently vigorous, he magnified his office, and placed it on a level with the State Secretaries, when he remodelled the Company ; and his successors for the ensuing quarter of a century enjoyed more authority than his predecessors.

The new scheme left the Directors the power, which they used sparingly, of recalling a Governor-General ; it was this which came nearest to an attribute of sovereignty. Otherwise it is inaccurate to say that they were sovereigns ; to call them princes is mere rhetoric. They were said to have become

princes because they were by the Act forbidden to be merchants. They ceased to be merchants, inasmuch as they ceased to carry goods in their own ships ; but they continued to be protectors of trade, for they retained a little flotilla of armed cruisers ; and they kept up the establishments in the Straits on the way to China which were subsidiary to distant and perilous traffic. They had in 1831 ceased to grow and sell opium ; it was no doubt more princely to charge a transit duty on this exported commodity, than to squeeze profits out of a monopoly, or to compel the cultivators of the poppy to sell at a price fixed by the purchasers. The export of opium to China was not forbidden by Mr. Grant, although it shocked the more sensitive critics ; and the Indian revenue, supported by the export duty, was in no way charged with the keeping of peace, where peace was endangered by the drug.

The Company may, without much inaccuracy, be said to have been turned by the new charter into a trustee for the Crown. The estate placed in trust was the right to raise various revenues ; the trustee was allowed to spend all these revenues on two objects : first, the payment of annuities to the holders of the stock ; secondly, the payment of salaries to those who collected taxes or aided the collectors and kept up the tax-bearing wealth, by arms, by jurisdiction, by statistical inquiries, by moral influence.

The annuities paid to the holders of stock, who were supposed to be the representatives of the original trading society, were augmented by a roughly

equitable allowance made for the commercial assets of the trading Company passed over to the governing or tax-gathering Company. A peremptory lawgiver would have extinguished these annuities by forced compensation ; it would have been feasible for the British Exchequer to raise at about four per cent. a loan of as many millions as would have bought off the creditors of British India. But no true statesman could dream of forcing them to change their investment. No one grudged them the advantage of being at once credited with the commercial property and delivered from the risk of military expenditure. They were admitted, on the abiding conservative principles of modern England, into the sphere of regulated and guaranteed proprietorship. On this stem has grown a branchwork of investments, as the governing Company and its successor the Secretary for India have continued to pledge the Indian taxes for the interest of successive loans ; the original East India stock is insignificant when compared with the many millions borrowed to meet the deficiencies caused by wars ; and the governed races pay nowadays, besides the expense of old wars, the indemnities due by contract to Englishmen who, without having seen India, or known a Director, or asked for a cadetship, have advanced capital for the making of Indian railways and canals.

For such enterprises the form of a joint-stock company, grand as it was thought in its day, could hardly have been sufficiently expansive.¹ But up to

¹ In 1773 there were about two thousand proprietors of shares, and

the very year of its remodelling the Company's credit was unimpaired. Its losses in trade had been, without any designed secrecy, decorously covered by a frugal administration. The reform of the Company fell on the peaceful times of Lord William Bentinck, who annexed only one small district. The reform was followed by three years in which the revenue, for a wonder, was enough for the outlay.¹

Throwing open the ports of India without any restrictions to all owners of ships was naturally followed by the removal of all hindrances to British subjects settling in the country. The climate discouraged anything like colonizing. The habitable uplands were not yet easy of access. Such Europeans

the nominal value of the shares was not much above two millions; the dividend varied, but ranged at least as high as eight per cent. In 1796 the Company got leave to add to its stock, and issued twenty thousand new shares, nominally worth a hundred pounds each; as the dividend was expected to be high each share was sold at the time of issue for a hundred and seventy-three pounds; yet the Company was in trouble, because of its wars. If the proprietors had been allowed to take the new shares at par and to transfer them to purchasers at a premium, they would have profited individually by the imperfect solvency of the Company. This seems to have been the last issue of shares. After this, eight years of annexation doubled the revenue; yet the shareholders made no profits, for the deficiency was as great as ever. It would have been almost monstrous if they had been allowed to make profits by war. They were probably content with the rapid increase of salaries and opportunities for usury and speculation thrown open by the annexations themselves and their kinsmen. Mr. Macaulay spoke of the Directors if they were to be henceforth bound to make the Directors responsible for losing their dividends; but in fact they were not. They made their pockets whether the government was or was not. In 1817 the payment of 630,000*l.* a year to the shareholders was made out of the revenues of the territory.

¹ He deposed a petty ally, the Maratha, for this strong measure was, though not respectful to the Company.

as entered the towns were bent rather on the distribution than on the production of commodities. Besides mercantile agents there would be loose adventurers. There was seen to be some risk in letting such people live in the cities; yet it was against the prevalent doctrines to let the local government banish men on suspicion; the power of arbitrary dismissal was taken away. Then there arose the danger of an adventurer's doing mischief by words or deeds which were not criminal according to English 'Common Law.'

There was a High Court of Justice of fifty years' standing, which had been set up as a check to the despotism of the Company and as a sanctuary for Britons. It was necessary to deprive this judicature of its independence, for fear it should declare those to be innocent whom the executive rulers knew to be disturbers of order; it was necessary to empower the local government to make statutes, binding the King's Court and modifying the law of England so as to comprehend things which Englishmen might be tempted to do in India with evil consequences.

English law dwelling oracularly in the bosom of a London barrister was likely to be in Calcutta a mechanical genius, prompt to rescue culprits whose was created by local circumstances. The Governor-General in Council had already power to regulate having the force of laws, binding on the natives, who did justice to the natives. The High Court could refuse

to register, and by refusing could make of no effect in Calcutta, Madras, and Bombay, the regulations of the Supreme Government. Of this veto the Act deprived the judges.

It would seem, then, that the English birthright, the privilege of living under law of which no man knew all, and only a score or two of men knew almost all, was to be taken from English dwellers in India; they were to be, like the Baboos, subjected to despots who could make laws as fast as laws were wanted. This being granted, the next question was : How should the despots be advised or checked in legislating? One man was so bold as to suggest representation. Mr. James Mill said that representation was utterly impossible in British India. Mr. Grant, Mr. Macaulay, and Parliament agreed with the Radical historian.

It occurred to the authors of the Act, and it seems likely that it would not have occurred to ordinary ministers, to alter the quality of the Governor-General's Council. They added to it one member who was not a Company's servant. He was to lift the council out of the ruts of habit and prejudice; he was to furnish the presiding lord, who knew nothing of jurisprudence, with such knowledge as would enable him to devise new ordinances; he was to be a lawyer, but not a Pharisee of the law, a philosopher trained in the practice of administration; a writer as clear and precise as the best of the Company's civilians, a speaker more fluent and spirited than they were wont to be. Mr. Macaulay, the

orator who justified the Act before an admiring group of politicians, was rewarded by this honourable mission. But he was only nominated by his master, not appointed; the appointment was at the mercy of the Directors. He had contended with them in the discussions which were held before the Act was framed; it was not without a throe that they consented to admit him into the Council. They knew that he was the herald of theoretical change; how could they conceive that, when they were acknowledged to be fit for the renewal of a superb delegacy, they needed the interference of an essayist?¹

Men of senatorial age, who are sure that they have been for twenty or thirty years acting righteously and sagaciously, must be very generous if they do not dislike a man of thirty, not being a prince or a lord, who comes amongst them to show them new duties. And yet the younger man, after all, comes to them, not with a remnant which they have overlooked, but with a sample of the harvest which themselves have been preparing. If he is wise and enthusiastic, it is because he has been chastened and warmed by the goodness of their own contemporaries, and they are themselves elements of the substance on which he has been nurtured. The difference between them and him, is, that they are mastered by good habits, and he is enamoured of ideas; the ideas would not arise with beauty if the thinker were not

¹ 'We write above our powers, we speak below them,' said a modern member of the service.

in early manhood thrown into a routine mainly laudable.

The ideas which Mr. Macaulay had on his mind when he spoke for the Act, and which the Act itself partially embodied, were such as expressed some of the best hopes of intellectual reformers. They centred round a word which he would have shrunk from using, *isonomy*. He would not have Europeans settling in British India with such immunities as to make them a caste. Let them live there in wholesome fear of law impartially enforced, not presuming upon their colour, not treating any of the dark races as helots. They should not when charged with wrong-doing claim to be tried by judges of their own, under a procedure exactly copied from the procedure of Westminster; if condemned they should suffer the same sort of punishment as they would have suffered if their skins were dark.

This sound principle is incorrectly expressed when it is said that the reformers of British India determined that there should be 'one law for all.' There could be established one judicature, one procedure, one scale of crime, in so far as crime included real offences against the sovereign and the community. But there could not be established for all dwellers in British India one law forbidding and punishing all private wrongs, nor one law touching those offences which the English continue to treat as crimes, because they are descended from men to whom everything was a crime which the clergy forbade. There might be private wrongs consisting of breaches of mar-

riage contracts ; to ordain that the law of marriage should be the same for Hindoos, Parsees, Mussulmans, and Christians of European blood was out of the question. Perjury, whether committed in self-defence or in a malicious attack on another, was by the English treated, absolutely, as crime ; in India this theological severity was evidently out of place. To rob a man of his wife seems to the Hindoos, as Mr. Macaulay observed in the first month of his residence in India, a crime ; the English do not indict or imprison a man for such an act. Inheritance is a thing about which nations reasonably differ ; the Indians allow, the English do not allow, a man to adopt another man's child in such a manner that the adopted child inherits when there is no will or bequest.¹

In many such matters as these no one would be so dogmatic, or absolute, as to overrule the customary laws of subject races. Any overruling of custom, even if couched in the form of a law, will appear to most Asiatics nothing more or less than a special command of the sovereign, to be obeyed so long as the sovereign power itself visibly insists on it, but not to work regularly through the habitual exercise of mediate authority. Yet it seemed to the reformers

¹ It frequently happens in courts of summary jurisdiction that a man summoned to show cause why he should not maintain a child, and giving evidence on his oath, declares that he is not the father of the child, and is nevertheless proved to be, and treated accordingly ; he has plainly committed perjury, or he is unjustly charged with the maintenance of the child ; he is never indicted for perjury. Adherence to mediæval custom prevents the English from putting the law which forbids bearing false witness against another on a rational footing ; the word perjury must be got rid of before any consistency can be obtained in dealing with lying witnesses.

of 1833, much more clearly than to the practitioners of the civil service, that there were certain customs then binding the subject races which the sovereign must abolish by standing prohibitions. Reformers differ from improvers in being guided by imagination, hope, or faith, to the discernment of things possible. They sometimes perceive that a custom, which has been long believed to be dear and sacred, exists only because a whole set of people is too cowardly even to writhe or groan under it. The reformer is bold, and he dares touch the yoke under which he believes his brethren to be suffering pain. The careful practitioner warns him that he will shock the very people whom he is going to ease. The statesman, who looks at all sides of a question, pauses to consider whether the thing be so great a scandal as to make it worth while to run some risk of giving the shock. To examine and modify the customs of the dwellers in India there was need, first, of all and more than all the knowledge which the company's servants had gathered ; secondly, of all the faith that Christians and Benthamites could bring to bear, and of the comprehensive wisdom which belonged to the Viceroy, and to the extraordinary councillors sent from London to Calcutta by the Home Government.¹

¹ Lord William Bentinck before he left England had promised the philanthropists to put an end to the burning of Hindoo widows ; and he kept his word. Instead of rebelling, the supporters of Suttee appealed to the Privy Council against the innovation, and were patiently heard. Not long afterwards the custom of sacrificing human victims, and burying slices of their flesh in the fields to ensure a good harvest, was abolished in a barbarous district, called Khoudistan, by the Company's officers. In this case there was not even litigation, much less rebellion.

Mr. Macaulay spoke to the House of Commons of this excellent project, before he knew that he should himself go forth to begin its execution; he said as much perhaps as could at the time be said, but this part of his discourse is by no means an instructive sketch of the design. He was as great a man as England could spare for the work, and he served well to make a bridge between English and Asiatic lands of promise. A lesser man would have been smothered by the optimists of Calcutta; a greater man would have been too strong to serve under Lord William Bentinck.

If the code of territorial law¹ was unattainable in the lifetime of the orator, if that part of a code which concerned 'crimes' only was to be advanced beyond the stage of a project by his tougher successors, still more remote and visionary was the other kind of equality which he imagined, the equality of the native Indian with the Englishman in being eligible for office. Parliament, when it accepted with one accord the generous maxim, that no difference of race ought to exclude a worthy man from a place of trust and of power, was unconsciously imitating the *à priori* people, the 'idéalogues,' the Jacobins, the propagandists, whom good Britons used to abhor. No declaration made by the founders

¹ 'Territorial' is the contrary of 'personal' law. In dark ages clergymen used to claim a right to be exempt, either as Romans or as clergymen, from the law of the barbarians; in so far as the claim was admitted they lived under personal law. In some modern countries, whose state corresponds roughly with the state of Romanized countries as they were in the dark ages, a Frank can, under treaty, claim exemption from the jurisdiction of Turks; this exemption limits the territorial law.

of durable or of ephemeral republics was more 'theoretical' than this.

When the orator said that he would do everything to hasten the day, which would be the proudest of days for England, when she would haul down her flag and leave India to be governed by Indians, he spoke nobly ; but he spoke as one who has visions. Hope may exalt a nation, as the hope of a Messiah has exalted the Jews. But there is no race in India capable of cherishing a national hope. Individuals of this or that race may hope to be barristers, judges, commissioners, even generals, even finance ministers, under the Indian Government ; and it is clearly right to encourage the aspiration. But these individuals cease to belong to a race or caste when they qualify themselves for these offices, and they do not belong to a nation unless they have in childhood melted into the British nation.

It seems to have been thought in Mr. Macaulay's times, by some, that Christian belief, by others, that European science, by others again, that English literature, would so alter the character of Indians, as to make them fit for the Government's service. All this was illusory. No convert can be warranted against ending an argument with a Scriptural text ludicrously inappropriate. The knowledge of the earth's rotation, or of the theory of nerves, may deliver a Hindoo, as well as an European, from the dominion of enchanters and of witch-burners, but it will not give him the sense of honour. Admiration for English poetry may enable a Bengal gentleman to sympa-

thize with English ladies and to share their sensibilities ; it will not go far towards making him stick to a rational opinion.

It might be hoped that the discipline of the sepoy would educate natives ; but experience soon proved that this discipline did not train native officers for command, and races which cannot breed colonels can hardly be expected to breed justices of the peace. The most solid education of the natives is given in the courts of law ; and, after many generations have been accustomed to veracity and sound inference, it is possible to find some who have inherited aptitude for duties which require strength of character and plain good sense. Meanwhile the English rulers persevere in the splendid work of doing justice to many races bound together under one network of mutual help and mutual forbearance. As long as they are just they hold India ; if they ever cease to be just they will deserve to lose it. It is impossible to conceive what successors can be found for them either amongst the subject races now existing, or in any product of these races.

But there is some reason for thinking that a few men of mixed blood, English in training, Asiatic in their fitness for the climate, born in India, and yet feeling an affection for England, are robust, sensible, and honourable enough for helping the administrators in almost every employment ; such men at the time of Mr. Grant's Act were actually employed in subordinate places, and were called uncovenanted servants of the Company ; and it is to be lamented

that the declaration of equality did nothing for them. It is in truth easier to stoop towards the lowest than to touch in succession those who stand between the highest and the lowest ; and it is more pleasant for an English gentleman to entertain a pure alien than to be neighbourly with an English gentleman's son whose mother was an alien.

Nearly thirty years passed before the clause in Mr. Grant's Act, which pointed to the making of a territorial law, was followed up by the enactment of two Codes, the Code of Criminal Procedure and the Penal Code. Not till then did the Supreme Council give effect to principles settled and rules elaborated by Mr. Macaulay and his colleagues, who were commissioned to legislate.

It was in October 1836 that the statesman, who had gone to Calcutta to improve the Government and there fell away from statecraft to bookcraft, wrote home to say that he was 'within a few months of sweeping away everything that could properly be called slavery in India.' It is somewhat strange that the abolition of any kind of servitude could be put off. But the climate of Bengal accounts for a good deal of indolence.¹

¹ 'There will remain civil claims on particular people for particular services, which claims may be enforced by civil action ; but no person will be entitled, on the plea of being the master of another, to do anything to that other which it would be an offence to do to a freeman.' (Letter to Zachary Macaulay.)

XLV.

IN the crowd of good statutes which make the year 1833 memorable, one has escaped the notice of writers. This was a measure for reforming the burghs, or municipal towns, of Scotland.

A measure of this kind had been strenuously demanded in the year 1785, and for seven years afterwards. Mr. Archibald Fletcher, an advocate, was the leader of the Burgh Reformers; he used his pen in the cause when he was too old to speak for it; thirty years of failure did not dishearten him. Lord Archibald Hamilton, in the next generation, spoke to the House of Commons for the change; and, at a time when such efforts were systematically choked, he surprised the world by persuading a majority of his few listeners to appoint a committee; but he got no farther. He died before his friend Lord Althorp and his kinsman Sir James Graham came into office; his severe and proud liberality was fresh in their minds when the reform of Parliament gave them an opportunity of working out his conclusions.

The last Tory Ministry would have handled the matter had their interference been extorted by riots or by an armed association. The Whigs dealt with it, because it had been quite proved that there were grievances and scandals in the thing which were condemned by a multitude of householders competent to judge, and because they owed to these Scottish town-folk some requital for their forty or fifty years of endurance. Lord Lyndhurst and his disciples might

have thrown out the Bill, as they threw out another long delayed measure—the Bill for founding cheap and numerous Courts of Justice. It would seem that, in passing the Act which reformed the Scottish town government, they did not observe how they were establishing a precedent for England. Perhaps their acquiescence was due to nothing more or less than a vague sense of Scotland's being one of those objects which a man of fashion could not be expected to notice.

Yet to anyone fond of public affairs it is a relief to turn aside and look at the peculiar affairs of Scotland ; and that which is called English history would be less fatiguing if it were rather more British, rather less Irish ; if it took cognizance of institutions shaped by argument yet as durable as customs, desired, claimed, and preserved by men who combine without plotting, and remonstrate without threatening.

The councillors of a burgh had been allowed to name councillors when there were vacancies, and even when the whole body had to be renewed, instead of asking the householders to choose. There may have been a time when the councils were well constituted ; but, even if the wisest king picked out the very best men in a town, these men would in course of time be corrupted by such a privilege as that of naming their successors, if there were no outside force to check them.

Suppose certain townsmen were in the first instance appointed councillors, because they were the chosen leaders of several trades or handicrafts, yet, if

the trades and handicrafts were once for all fixed, it would be found in course of time that they ceased to constitute the whole town, and that they had varied one with another in numbers, wealth, and honour, so as to deserve unequal representation in the Common Council. Suppose, for instance, that in the year 1500 there were in Edinburgh twelve such trades as weavers, butchers, vintners, or the like ; their equal votes given through their deacons would at first be fair and satisfactory ; but by the year 1600 there would have arisen a new set of workmen, such as goldsmiths, opticians, mechanical engineers ; and these sets of craftsmen would send no one to the Guild Hall, because they were not guilds in 1500, and no new guild could be made. Suppose, again, that there was a guild of goldsmiths from the first, but that it had become in the year 1700 something more than a set of handicraftsmen, that the goldsmiths had become the fiduciary guardians of gold belonging to farmers and lords, and, through money lending had grown into the new profession of bankers ; then it would be anomalous, and perhaps grievous, that so important a business should have no more power in the Common Council than the butchers.

It came to pass, certainly in Edinburgh, seemingly in other towns, that the ablest and the most respected citizens had no footing in the municipal government ; they were socially above it, legally below it. Thus the principle of co-ordinate guilds, or the convergence of divers interests, could be upheld only by a vigilant and impartial sovereign,

taking cognizance of decay and growth, pruning, grafting, and training with constant regard to symmetry.

The representation of orders or 'estates' in a realm may sometimes be kept up with a great amount of inequality, because this or that 'estate' may affect the imagination, and may by 'prestige' make up for some dwindling. It would seem that this principle is less applicable to a civic community than to a realm. There is a Scottish legend of a town council which possessed, in its corporate capacity, one pair of boots. On high and solemn days it could not ride in procession; it was formed in line, so that the two councillors on the flanks should overawe the people, each having one boot and one spur to show. By the end of the eighteenth century the dignity of these oligarchies was nearly worn out; they had been overlapped by the unprivileged merchants, by the professions which had outgrown the guild-formation, by the adepts of arts that were unknown to the founders of the burghs, and by the genteel annuitants, whose wants and tastes were but dimly guessed at by a provost and baillies.

It was not that the poor were wronged by a few rich families; or, if the poor were wronged, it was because the oligarchies neglected them rather than defrauded them. It was rather that the nominal rulers of a town were not sufficiently controlled by the prosperous and the intelligent people. In such matters as police, water-supply, and regulation of docks, there were little secessions and rebellions against the muni-

ciality, partly because it was inert, partly because it was selfish, generally because it was too stupid for the age and the place.¹

A good deal of jobbing will be tolerated even by sagacious communities ; and the more shrewdness there is in a community the greater is the fertility of projectors for devising new things without sweeping away old things. The forty years of Tory government were years of constantly-increasing shrewdness ; and in default of broad reasoning the active minds of that period fell to litigation. In the absence of an effective Parliament the redress of grievances could be attempted by nibblings in law courts ; and it is said that the Scottish law courts were not then free from parliamentary passions. Judges were amused, and advocates enriched, by proceedings which a statesman might have made unnecessary.

That democracy is as obvious a thing as privilege, or as natural as monarchy, is at least a tenable opinion ; and some proof thereof may be found in the fact that the High State Ministers, of whom the Dundas family held the Scottish agency, having to use the power of the Crown to get over a deadlock when a certain burgh council, through breach of rules, had failed to continue itself, sent down a warrant for the election

¹ At a great Abolition Meeting in Edinburgh (October 1830), when an orator spoke for caution and delay in freeing slaves, a man in the crowd shouted, 'Fiat justitia, ruat cælum;' the presiding magistrate rose and said : 'As the Lord Provost of this town I cannot sit here to hear such sentiments expressed;' and, leaving the chair, he broke up the meeting.

of a new council by popular voting. It was one of those deviations into simplicity which are to be joyfully proclaimed whenever high statesmen commit them. The Liberals pounced upon the precedent; the lovers of close rule hastened to snatch it away; the authorities were shamed out of the inadvertence. The claim to popular election of a town council might have furnished employment for two or three generations of pamphleteers and advocates. But the Committee of the Commons sent for Scotsmen to be examined. There were four burghs whose money matters were in disorder. Their delegates were subjected to questioning. Insolvency was proved. An insolvent council resigned. Here was that kind of scandal which is not easily forgotten in Britain, and the self-elected oligarchies never got over this exposure. A few years afterwards a merchant company in Leith, whose members were devoted to the Dundas connection, quarrelled with the town council of Edinburgh, which managed all the docks of the suburb. Modern shrewdness contrived a joint-stock company to take the docks out of the council's hands without giving them to the upstart merchants of Leith; but it was found out by one of the few Scottish members of Parliament who were not Tories that the new joint-stock company included councillors who had given themselves shares. So here was another scandal; and Parliament, though not reformed, was too virtuous to bear with it. Mr. Abercromby, who had thrown light on this job, was in 1833 within a year of admission into the Whig Ministry;

and the fruit of burgh reform was ripe and dangling within reach.

This reform was analogous to the reform of the House of Commons. The House of Commons had always been in some measure constituted by local popular suffrage. The burghs had not wholly lost it; nomination had not wholly prevailed in the one system, nor self-election in the other. In Edinburgh there had been, out of thirty-three seats, not less than fourteen filled every year by deacons freely chosen by their several crafts. The two Acts of Burgh Reform, one of which covered the sixty royal burghs, the other made burghs out of sundry new towns, such as Leith, gave the municipal suffrage to all householders who paid at least ten pounds a year for occupying, or held tenements of their own rated at no less than ten pounds a year. The coincidence of the two suffrages, the parliamentary and the municipal, made things simple; and the annual voting tended to educate men for the rarer and harder duty of choosing members of Parliament.

A Tory cried out that a city, with its religion, its education, its art and taste, was given up to 'a mob of ten-pounders,' as if there were no householders who were rated above ten pounds. This mistake was a bit of the coarse and impetuous thinking which was then in fashion amongst Tory writers. Their thoughts had a general flavour of convivial emphasis. Yet they were right if they meant that the powers of the civic government should have been restricted; for it is hard to form by any suffrage a body of thirty

townsmen competent to regulate an university or to appoint preachers.

The 'ten-pounders' behaved as well in electing town councillors as in electing members of Parliament. They voted for persons of sufficient station ; indeed, it was observed with some surprise that the new councillors were richer than their predecessors. The experiment was so satisfactory as to encourage a similar reform of municipal corporations in South Britain. But for this project it was necessary to collect knowledge of details. The English towns had not been, like the Scottish towns, exhibiting their infirmities in courts of law ; and to dissect them was a task suited to a Commission of Inquiry appointed by the Government.

XLVI.

ROYAL Commissions, appointed by the Crown in virtue of the prerogative, may be, but seldom are, executive. To give a commission executive powers prerogative is in modern times hardly sufficient. Though an old Crown office may be, without consulting Parliament, 'placed in commission,' a new office, with power to make ordinances, generally requires an Act of Parliament to constitute it.

Distinct from these creatures of the legislature are those commissions which only inquire, report, and advise. Even these are so far subject to the House of

Commons that their expenses are defrayed by a vote ; and it is convenient to wait till the House has asked the Crown to appoint a commission. Either House of Parliament can procure information without applying to the Crown, by naming some of its own members to be a committee ; and such a committee has ample authority for questioning Crown officers whether they are willing witnesses or not, whilst it is often attractive to people not in office who have something to say on the question that is considered. A committee is sometimes more efficient in getting evidence than a commission, but it has to struggle for the leisure hours of a single session, and it is likely to miss, or to hurry, some parts of its duty. A committee is valuable chiefly in so far as it is a critic, or a touchstone, for some permanent office or institution, not as a channel for conveying information to an administrative office which is called upon to frame new ordinances. Moreover, since it is bound to sit within a two minutes' walk or run of its mother, the House, a committee of the Commons cannot examine people amidst their neighbours, or gather the facts which concern this or that place ; it cannot be itinerant or minutely inquisitive. A committee of the Peers is equally immovable, and it is too polite and too leisurely for practical investigations.

Therefore it has been found that for a complex set of facts, which may take two or three years to ascertain and to digest, it is expedient to employ Royal Commissioners, and to pay their expenses liberally, so that they may visit many towns, employ clerks and

draughtsmen, and write an encyclopædia for the particular subject on which the Government may be obliged to propose legislation.

It is a marked feature of the years stamped with Earl Grey's name, that the Ministers employed assistants in planning reforms, with a sincere intention of acting on their advice, and also with despatch and eagerness. It looks as if they heartily enjoyed the opportunity of summoning to their aid many clever men who were not in Parliament or in office, of whom many were known to them, not as kinsmen or favourites, but as good citizens and good reasoners. From the commissions which they formed ministerial and oratorical persons were not excluded ; a haven of debate or of routine was not to be abhorred ; but the spirit of these temporary bodies was the intellectual fervour of early manhood. Men braced by recent study of mathematics and of law, yet not so fresh from chambers as to seem bookish in the eyes of practical men, were admitted to an honourable share in the prelude of legislation long before they could earn those positions which give people irresistible claims. Such men were standing, when called to this work, at the point where the ways part, that lead towards practice in the law courts or towards the grooves of salaried duties. They touched with one hand the ancient machinery of forensic inquiry, with the other hand the new methods of inductive and experimental science. A group of the very ablest men in London would not be able, under the procedure of a Commission of Inquiry, to get at the rights of a complicated 'case'

half so well as a court of assize ; and if a man's life, goods, or reputation were at stake he would not go before a board, though every member of the board were perfectly wise and just ; he would prefer a judge sitting to hear counsel. A witness examined by two members of a board who wish to elicit different views is not so thoroughly examined as he would be by advocates and judges. So far the process of getting knowledge through a commission is unsatisfactory. But it is less unsatisfactory in proportion to the legal habits of mind of the commissioners ; and it is a sound maxim that a Board of Inquiry into a subject marked for legislation should be guided by persons who understand judicial sifting of testimony. On the other hand, it is expedient that the forerunners of the lawgiver should not be, like old-fashioned lawyers, averse from the consideration of wide theories and bold innovations. Twenty or thirty years after being called to the bar an Englishman, it seems, thinks it beneath him to consider what ought to be the law, except when he has a chance of determining what is the law by deductive reasoning. If caught at the age of thirty there is fair hope of a barrister's being modestly legislative, ready to treat the author of a theoretical treatise as a possible ally, and inclined to help a statesman as an engineer helps a general.

Part of the felicity of the Grey period was that youth, zeal, ideas, and philosophy contributed freely to legislation. And although that period was short, the impulse given has been felt ever since. There has been a new variety evolved of British liberty, since

reasoners began to be entrusted with the making of schemes. The men eligible for temporary commissions are interpreters for several permanent sets of men who divide amongst them several regular employments. They soften the crudities of philanthropy, they trim between parties ; they draw out the latent knowledge of those whom circumstances debar from notoriety. It is a pity that, owing to the poverty of language, these critical inquirers are confused with administrative officers under the name of commissioners.

It will be seen, in the course of a few pages, what a change was brought about in party government by the new practice of employing Commissions of Inquiry ; how that process, in the main highly serviceable, was liable to misapplication.

XLVII.

WHEN the first reformed Parliament began its second session the country was peaceful, the farmers were grumbling less than usual, the traders were setting themselves to quicken home trade by steam carriage on level iron ways ; almost all the busy and thrifty people were trusting cheerfully to their representatives the affairs of the Commonwealth. The illustrious Cabinet was unbroken ; it spoke proudly of the unexampled lawgiving of the past year, and pointed with quiet hope to the schemes prepared and

preparing in the Government offices after consultation with boards of inquiry.

It looked as if Earl Grey might rule as long as his health lasted ; no one whispered that he was elated by success or tired of his colleagues. He had sent Lord Durham to the Russian Court, to join the French Ambassador in pleading against the utter destruction of the Polish State ; in the absence of Lord Durham he seemed to be entirely master of the Cabinet, though the most generous of masters, giving everyone every possible opportunity of action, and communicating with each respectfully. It was almost impossible for the King to molest him ; the fiery spirits in his own House had ceased to irritate his temper. He enjoyed, as he deserved, the honour given to a true leader of grave men. If pain touched him it came from his own sensitiveness or delicacy ; like Lord Liverpool and Sir Robert Peel he had not the English country gentleman's bluff robustness ; a wound which a Wellington or a Palmerston would have slighted made him sick at heart.

There were in 1834 two particular causes for the ending of Lord Grey's dominion : The first was Mr. Stanley's open dissidence ; the second was Lord Brougham's secret finessing. The first he could have borne had it not been speedily followed by the second. Singly neither should have caused his retirement ; jointly they excused it in him ; for he was old and yet not hardened, to bear blows, by experience. Had he been a man of perfectly unerring judgment, he would have avoided the policy which cost him his

ablest subordinate ; and he would have chosen Mr. Stanley for his successor. Had he been quite suited in temperament for sustaining the fabric of party Government, he would have kept Lord Brougham in 1834, as in the three foregoing years, from doing serious mischief, and he would have forestalled his Whig successor in managing to do without so dangerous a Chancellor.

The general instability of the Government was due, outwardly, to the cunning and malignity of the Irish demagogue, inwardly to a somewhat exaggerated estimate of Lord Althorp, of whom it was said, paradoxically but not without truth, that he was utterly incapable of scheming for any other object except to get an excuse for resigning office. A man could not have been really necessary who had rather throw up his appointment than stamp upon Mr. O'Connell. But Earl Grey thought Lord Althorp necessary, because he had neither found nor made a lieutenant. Lord John Russell had almost earned the first place amongst the Whigs of the Lower House ; but the Whigs never owned that he was altogether fit to lead them ; nor were they wrong. He was so great a Whig that he could not be thrust aside to give free scope to the more nimble and skilful pugnacity of Mr. Stanley ; his stiff tenacity, wearied, his invention of a makeshift argument disgusted Mr. Stanley. Neither of the two seemed to the Whigs fit to replace Lord Althorp ; they could not both hold on, as equal claimants, for succession to the leadership.

Mr. Stanley was at the end of the first legislative session a very great politician. He had been the best advocate of the Reform Bill, the best ruler of Ireland, the best negotiator with the West Indian interest.¹ If he had died in the autumn of 1833 he would have been mourned by all but the unteachable egotists as one of the more heroic statesmen. He lived thirty-six more years in honour, and placed many men under obligations ; yet he never did anything that equalled or even resembled the exploits of his three glorious years. Is he then to be blamed, or is he to be pitied, for ceasing to be a Whig and a Minister in the summer of 1834 ? So far from blame he deserves praise for leaving the Whig Ministry when he could not prevent its decline into huckstering. He is to be pitied, if it is true that he yielded to the influence of a friend inferior to himself, Sir James Graham ; but it is only a surmise, not a fact proved by documents, that he did not judge for himself when he left the Whigs. Apart from secrets, the state of the case is that, in company with Sir James Graham, he went to the King and resigned the seals of a Secretary of State, whilst a debate was going on in the Commons about the Irish Church revenues ; and on becoming a private member of Parliament he argued against his late colleagues. He was, as men are wont to be in the prime of man-

¹ In saying this, it is not meant that his method was not afterwards improved upon ; but it is meant that he ruled better than the Whigs and Tories before his time, and that his coercion policy was not so harsh as to justify the alienation of the Liberals.

hood, free from the vanity which tempts elder men to set forth their motives for quitting office ; nor, indeed, was it then quite so much the fashion as it has been since for secondary Ministers to go through such explanations. He enjoyed his freedom and hastened to belabour his late yokefellows ; but he stuck to the public question. He struggled against what he thought a shabby compromise, and he held fast to a principle which Lord John Russell laid aside for future use. He showed how imperfect his sympathy was with those whom he had often succoured and sometimes led to victory ; but he seemed not even to be tempted to angle for the goodwill of Conservatives.

He had approved of, or at least had acquiesced in, the measure which made a fresh distribution of the Irish Church revenues, without taking any money out of them for any less sacred purpose than the comforting of ministers and the repair of consecrated fabrics. He had so far suppressed his own misgivings as to let Lord Althorp say for the Government, that savings or profits made by a new method of letting Church lands might without sin be withheld from the Church by the State and applied to other public services. At the time when Lord Althorp broached this maxim there was no near prospect of savings or profits ; secular husbandry would, it seemed, be exhausted in finding enough to house and clothe the vicars and to keep the houses of prayer from decay ; because the superfluities of prelates and of a few rectors and the payments for-

merly escaped by favoured lessees were not likely to be more than enough to make up for the losses incurred by abolishing one Church tax and letting another Church tax crumble away.

The best reformers might well think that the poor Irish Church should be left alone for a season, and that Parliament, having spent the best part of a session on the topics of the Irish, might be allowed some leisure for considering other, more urgent, questions. But there were Whigs and Radicals of an argumentative habit who did not acknowledge the distinction between sacred and profane revenues. They stood in Parliament as the heralds of an audacious host. They preferred a State and a society without dogma or ceremonial to any compound of establishments and sects. When the sects struggled against the establishments and the politicians mediated, they stepped in amongst the politicians to show that the best policy was to be coldly indifferent to creeds, and to stint the gifts bestowed on religious professors. They sided with those who had a zeal for useful knowledge similar, and here and there even equal, to the zeal of hierophants. If useful knowledge was to be propagated there was need of money. Endowments assigned to the performers of rites might be diverted. It would be only a repetition with improvements of what the innovating king had done in the sixteenth century, to take lands from praters and make them support teachers. If modern Britain owed its comparative rationality partly to the schools shaped in the sixteenth century out of the spoils of

monkery, why not indulge the spirit of their own age, and give it a chance of penetrating all towns and hamlets of the United Kingdom by the agency of secular schoolmasters quartered on the Church surplus? Was it not better to spend the money on teaching things that everyone knew to be true, such as mechanics and zoology, than to keep up the dissonances of Popery and Calvinism? Such was the real aim of a few resolute schemers. But the motives of human minds are so complex, that no one can tell whether Mr. Ward, who moved, and others who voted for, the free use of clerical superfluities, cared much more for the schooling of the people than for the humbling of the clergy, or desired even to humble the clergy more than to show their own mental superiority to the men of makeshift who held office.¹

It was for a philosopher such as Mr. Grote, who seconded Mr. Ward, just as plain a duty to assail the privileges of theologians, as it was for Sir Robert Inglis to maintain them. Neither of these honest men had any notion of being a Minister. As long as one is sure of never being asked to take office one may say what is in the heart about truth, provided only no needless pain be given to ordinary listeners. But a gentleman like Mr. Ward, who wished to be in the service of the Crown, was obliged to play the game of 'transaction' with Lord John Russell, the Minister most ready to meet him half-way. If he

¹ Lord Palmerston believed that Mr. Ward was egged on by Lord Durham, the supposed *âme damnée* of the Radicals.

can obtain some admission of his principle the rising politician does well to await a better opportunity for embodying the principle in a measure. Whilst thus waiting he is formidable : he may wait many years, or he may become the governor of a colony, bequeathing his parliamentary project to some other who has a mouth to be stopped.

The principle that the State may spend at discretion the superfluities of the Church is not shocking to the present generation, which has seen a Conservative Government applying to the relief of famine-stricken peasants and bewildered landlords the anticipated savings out of the Irish Church revenues. But it was shocking in 1834 to many members of Parliament who were good reformers, and to very many citizens who had voted for Radicals ; still more to the huge mass of quiet people that had yielded to the flow of liberality, and had acquiesced in Whig victories with the sure hope of an ebb and of a return to comfortable slowness.

It did not follow, because the nation disliked easing its burdens by taking clerical revenues in aid of the taxes, that the Government was to shrink from such an appropriation. The nation might be argued with ; the principle might be inculcated. Perhaps a Cabinet would be overthrown ; but if the principle was sound it was to be pressed at the risk of ruining one Cabinet after another. The authority of the Whigs, founded on reasoning and character, was sufficient for convincing many. They could not have carried a Bill for appropriating what they were

to save out of clerical incomes to plain schooling or to the encouragement of useful arts ; but if they had with one accord and with earnestness pressed such a measure they would have lost office in honourable defeat. But since the savings were not yet in hand, since there was no agreement as to substituting any particular functionary for a Protestant divine, it was not worth while for them even to ask one another whether they agreed on the principle. They consulted rather how to stave off Mr. Ward's thrust, than how to school the people. Most of the Ministers agreed in declining to say that Mr. Ward was in the wrong ; Mr. Stanley and three others thought he was, and acted on their opinion.

Mr. Stanley, alone of the four, lived to see the governing body of the United Kingdom, that is to say, the greater part of the electing bodies, either after or without contest at election, pronounce for dealing at will with the revenues of the Irish Church. That the lesser part of the electing bodies did not think it actually sinful to do this seems to be proved by the fact that, when reinforced and turned into a majority, they made no sign in favour of undoing the work of the spoilers. As long as people decline to reverse a policy which they hotly resisted, the bystander must needs believe that there has been too much passion in contending against the policy in its inception.

Although it was a point of honour, a matter of conscience, when Mr. Stanley left Earl Grey rather than let Mr. Ward pass uncondemned, yet his decision has not hampered his admirers. As he is

not to be scoffed at for his religious feeling, so they are not to be scoffed at for admiring him and yet differing from him in behaviour. It would be more noble to strive for the undoing of what has been felt to be an evil deed, more prudent to refrain from calling a proposal wicked, and to call it only unseasonable. But the world is likely, so long as it lasts, to belong to creatures who first abhor new things and afterwards hug them. The inconsistency is due to nothing worse than indolence. It is easier to use superlatives than to temper one's language when one is objecting to a change ; and this exaggeration turns an adversary into a sacrilegious culprit. It is easier to acquiesce in what one used to call sacrilege than to make restitution.

Mr. Ward did not indulge the spirit of theory so far as to state barely and without preamble his general principle of the State's right to Church property. He propitiated the practical men ; he did homage to the political arithmetic, dear to Conservatives as well as to Liberals, by declaring that the provision made for the Protestant episcopal religion in Ireland was more than was wanted.

This was an expansion of the arithmetical reckoning about the proportion of bishops to clergymen which had just been made by the Whigs and accepted by the Legislature. Pure Christianity was to be measured out to the people ; they were to be instructed in supernatural things at so much a head. Mr. Grote's private opinion must have been that the

people would do as well without any such instruction. Mr. Ward was not bound to agree to this, nor yet to the inquiry.¹

Lord John Russell seems to have been the inventor of the artifice to which the Cabinet stooped in evading the inconvenient avowal. He made a show of believing that it was still doubtful whether the supply of Protestant clergymen was out of proportion to the people's wants. Although the particulars had been roughly stated in the late session's debates, and all the world knew that the nominal Protestants were about one in seven of the population, although there was an executive Commission already at work on the distribution of the revenues, although the details about parishes could have been collected in a month by the police, the Government suddenly issued a new Commission—a paid and roving Commission—with power to examine witnesses on oath, and to search for and examine clerical documents. Till these inquisitors had explored every parish and digested their minute knowledge about the sermons and the listeners, the christenings and the fees, the authors of the Irish Church Act could not be so rash as to assent to the view that the State might lawfully appropriate Church estates.²

Mr. Ward naturally took fright for his doctrine.

¹ It used to be stated in 'history' that Mr. Grote made a speech on this occasion. His wife, who was his biographer, stated that he did not speak, because the leader of the House asked for an adjournment.

² It was believed, but not proved, that the plan of proceeding by Commission of Inquiry was devised by Lord Brougham.

Before the ten roving barristers had visited, in pairs, the twelve hundred parishes, the Whigs, he thought, would be out of office. He was bound to pin them at once to the recognition of the Church's liability. Lord John Russell thought Mr. Ward ought to be content with such recognition of his doctrine as was implied in the proposed inquiry. It is probable that, even after Mr. Stanley's secession, there were members of the Cabinet who would rather not recognize even by implication any greater power belonging to the State than the power of distributing clerical incomes amongst clergymen. Such men would like a year's respite, and they would be bound by concurrence in parishes like the joining of dioceses ; a year hence they would be free to disclaim agreement with Lord John Russell's separate opinion ; they were not committed to the acceptance of his assent to Mr. Ward's maxim.

In this case it is clear that the appointment of an inquiring Commission was a device for avoiding action. It is the first and the most palpable case of evasion through pretence of sceptical docility. It seems strange that the Lords Grey and Althorp allowed this evasion. A downright negative to Mr. Ward's motion was no doubt what Mr. Stanley demanded of his leaders, and had a right to demand. A downright assent was what the bolder Liberals might have expected from Lord Althorp. The shelving of the question as unseasonable was what the managers of the party would naturally prefer to the negative and to the affirmative vote. Of these three courses there was

none that could disgust a man of taste. But the frivolous inquiry, the suspense and abeyance of a principle, the surrender of Elizabeth's design to Lord Brougham and a dozen barristers, impaired the dignity of the famous Ministry.

Mr. Stanley was called upon to speak after Lord John Russell. He said a little, just enough, of his parting with allies. He said he could not bear to see the priests of pure religion turned into the hirelings of the State. He did not say all that could be said ; but he touched the central point with force when he asked the House, whether it would be seemly for the Chancellor of the Exchequer to state in his account of ways and means : ' I am happy to inform the House that this year we save three hundred pounds by the death of a Protestant in the parish of Ballyrag, since this death brings the Protestant population of Ballyrag down to the number of two, and the House is aware that the allowance for Divine service ceases when there are less than three persons residing in a parish who have on the last day of the financial year declared themselves to be in the habit of attending Divine service once a month.' It was perfectly fair, as against Mr. Ward and Lord John Russell, to point out in this sort of language the tendency of their arguments. They were going to increase the State's income, or to diminish the taxes, or to pay off the nation's debt, by cutting down the estimates for a branch of the Crown Service, the Irish Church. If they had their own way, every clergyman pensioned off would be like an American loyalist or a French

refugee, whose death relieved the English Treasury ; every ecclesiastical fabric would be looked at like a ship laid up in the Medway ; the decay of faith would add to the old stores and swell the miscellaneous revenue ; every Protestant peasant that took a Catholic wife and was forced by her to submit to her confessor would be worth a farthing a year to his country.¹

No one on the other side proposed that the Protestant clergy should become stipendiary ; yet it was quite fair to say that the Wards and the Russells were taking measures of that tendency ; it was not less fair to reply that it was not meant to follow up that tendency. For a Church's revenues may be clipt by laymen, and the Church may still draw some revenues from the land. If on a periodical survey it was found that a certain number of parishes ceased to employ Protestant ministers, still there might be other parishes supporting ministers by rent-charge in lieu of tithes and by portions of land possessed in freehold by the ministers, without any money transactions with the Treasury. In rhetorical argument the residuary clergymen, after the demise of their brethren, might be called stipendiaries. In plain accuracy of language they would still be the beneficiaries of endowments. It is at once seen that they would not be salaried officers of the State, if one takes the trouble to contemplate the position of other clergymen who really were officers of the State, such as army

¹ These were not the words used by Mr. Stanley ; but he spoke in this sense.

and navy chaplains, archdeacons in West Indian colonies, or bishops of Calcutta.

The Whigs no more intended to have a Protestant clergy drawing stipends from the Treasury than to pay the Catholic priests. They wished first to put an end to excessive wealth, and also to indigence, amongst the Protestant clergymen; secondly, to get a little money for good works, not ecclesiastical, such as the first givers of tithes and glebes might be imagined to have contemplated dimly and remotely; such as public-spirited men in the age of reason, when land was dear and tithes obsolete, would pay for by contribution voluntary or compulsory. The mistake made by Lord John Russell, who in old age owned that he had often made mistakes, was to depart from the approximative method, which is symbolized by the legal phrase *cy près*, and to take the doctrinaire's leap into a general assertion of the State's right to a Church surplus.¹

Lord John Russell's mistake is important in so far as it denotes a frailty, or an insufficiency, in the Whig mind at the time of its ripeness. The Whigs were the wisest men of the time; there was no one alive in 1834 who could test their conclusions

¹ It does not appear that Lord John Russell deprecated or tried to put off the severance of his from Mr Stanley's line of action. If he knew, as it is almost certain he did know, that his rival considered the Irish Church Estates as inviolable, as far from parliamentary meddling, as the Earl of Derby's estates, he was quite right to part company with him. Both men acted deliberately, firmly, and patiently, up to the time of Mr. Stanley's resignation. For the public good they worked alongside of one another long enough; and their parting also was good for the Commonwealth.

by the touchstone of purer wisdom, for neither the literary nor the religious prophets of the day understood politics ; their melancholy, their passion, their indignation, could not check a Russell or guide a Stanley, because they did not perceive how national character is affected by the making and the executing of laws. The Whigs were not acquainted with, much less were they moved by, the transcendental thinkers of their own day ; it was not to be expected that they should be. It would have been enough had they been faithful to ideas which were part of their birthright. The more noble ideas of modern Britons were ethical aspects of the creed called Protestant, a creed which may with ease be satirized, but which nevertheless is up to this day the only one that has altered and improved with lasting effect the character of all kinds of families.¹

It was one thing to say that they must cease to favour the professors of this creed, another thing to shrink from saying that the creed was ethically the best of creeds, and to treat it as a matter of taste unconnected with behaviour. It was sound policy to show a willingness to try whether Catholics would turn out good judges of assize, reserving the opinion that a man fit to be a judge is also fitted by habits and attainments in the composition of which religion is only a secon-

¹ In European countries of mixed religions the character of the settled classes is kept above the level of the middle ages and of the Roman ages. The Protestants have by shame or emulation made the others aim higher. The Catholic religion, where it is, or has been, competing with the Protestant religion, elevates the common people ; where it has always been exclusively dominant it keeps the common people in wardship and nonage.

dary ingredient ; it was not pure wisdom to show that one did not care how soon the profession of obedience to Romish priests became in Ireland universal. To the Irish, who declined the use of Elizabeth's provisions, justice might have been done without disowning her lofty and rational purpose.

XLVIII.

If everything turned on cleverness, no Minister of England would care for the loss of a colleague. Since the days of Henry VIII. the nation has bred clever men in more or less abundance ; and in the sociable days of the long peace it was easy enough for a well-informed party leader to find the ready speakers, the skilful agents, the adroit combatants that were wanted in Parliament. The expansion of the representative system, with the coincident or consequent stirring of minds, brought out a greater supply of abilities than had been at the service of Mr. Canning.

When the Whigs lost Mr. Stanley, they turned Mr. Spring Rice, an Irishman, and a friend of Lord Lansdowne's, into a Secretary of State ; he had, like his predecessor, discomfited Mr. O'Connell in debate ; nor was he less fit to correspond with the governors of colonies. But he was not a Roman Catholic, so that his promotion did not amount to a compliment

paid to Ireland; the Irish wanted a share of high office, and if a man born in their island, but otherwise resembling an Englishman, was made a secretary, it did not count for much.

It would seem that there was no complete Irishman, qualified by creed to be the first-fruits of emancipation, by oratory to revive the glory of the Dublin Parliament, that could be taken into partnership by the managers of affairs. It was not for want of introductions that the talents of the (so-called) Celtic gentlemen were left in obscurity; still less was it from want of occasions for showing their mettle in debate. The difficulty was to find some one who was a disciple of the Pope, a man of sense, a man not afraid of Mr. O'Connell, with a Celtic name and accent, and with the ordinary powers and habits of a councillor. Unless some one of this stamp was taken to the bosom of Earl Grey, it could not be said that the hopes raised by the Whigs when they pleaded, so often, for Emancipation, were fulfilled.¹

Failing this way of gratifying the Irish, it remained to try whether they could be soothed by a respectful manner of treating them in the House of

¹ Besides Mr. O'Connell there were three Catholic Irishmen named in 1831 by Sir Henry Parnell, himself an Irishman, as eligible for office. They all got places some time or other; two became Privy Councillors. But the only well-known man of the three, Mr. Sheil, had not a sound head, declaimed irrationally, and talked at random. Mr. Macaulay despised him, and Lord Althorp wanted to fight him. His fame rests on an oration delivered against Lord Lyndhurst; it may be taken as a specimen of what used to be thought eloquence. Take away the indignation, and there is nothing in it.

Commons. Not that their votes were necessary ; the pure Whigs were stronger than the Tories, and the Radicals of Britain were tractable ; so that the regular Opposition could be crushed without the help of Mr. O'Connell's adherents. But it was their country which required administrative or remedial legislation ; and, if this was impeded by them, the sessions would not be long enough for progressive legislation. In the fourth year of Whig rule they were humoured more than before ; they were taken into council as an allied force ; they were made too much of. They had no access to the Prime Minister in person. Nor did they negotiate immediately with the leader of their House, Lord Althorp. Like all other members of the House of Commons they could communicate informally as well as formally with the Secretary of the Treasury, who is by the custom of England named a 'whip,' not because he is co-ordinate with functionaries called 'rods' or 'sticks,' but because he is to the leader of the Commons what a groom bearing a long whip is to the huntsman who guides a pack of scenting dogs. Besides this communication with the Mercury of the Cabinet, the Irish members have a special relation with the Irish Secretary, who, though not a Secretary of State, is, as often as not, a Cabinet Minister. It is with him that they parley as to bills, grants, and jobs, which concern their island.

When Mr. Stanley rose above the Irish Secretaryship, Mr. Littleton took his place, and, when he left the Cabinet, filled the vacancy. Inferior to Mr.

Stanley, Mr. Littleton nevertheless appears to have been chosen on sufficient grounds ; he was very far from being a mere politician—that is, one whose social station depends on his success in politics. He had a London house of peculiar attractiveness ; he was elected three times running without a contest by the more aristocratic half of a strong county, and he became a peer as if by a process of nature. Such men are politicians at their ease just as they are builders of mansions or preservers of game ; they like office, but only as a thing superfluous ; it is almost impossible to fancy their doing anything even in office that is not sooner or later made perfectly transparent.

Yet in the comedy of intrigue, which was played just before the fall of the Grey Cabinet, the knight of the shire for the southern half of the county of Stafford figures as a busy-body, duped, buffeted, screened, and forgiven. Such little clumsy ambiguity as there was in his conduct would have passed almost unheeded in any society but the English House of Commons. Strict censure, prudish satire, frolicsome caricature, would make nothing out of it ; but it would supply materials for a political novel. It must have been a useful warning to secretaries ; no one has, since Mr. Littleton, stumbled like him.

The administrative statute, called the Irish Coercion Act, was to expire if not renewed. If renewed, it could either be altered or not. Although no scandal had arisen from its enforcement, it was

felt to be needlessly harsh. There were two parts of it which were thought excessively stringent—one which concerned the military tribunals, another which concerned public meetings. As to the military tribunals even the strictest maintainers of order that were in the Cabinet, even the Lords Grey and Melbourne, agreed with their colleagues that order could be maintained without them. As to public meetings they were convinced by reflection that the right to stop them must be retained another year by the Lord-Lieutenant. Their authority prevailed ; and they laid the Bill for renewal of the Act before their own House, apparently in the belief that, as on other questions, so on this question of discipline, any differences of opinion, which were not pressed by members of the Cabinet so far as resignation, were at the time, and would be, till a later generation, secret. Lord Grey knew that his lieutenant, Lord Althorp, disliked that part of the statute which gave the Irish Viceroy power to suppress public meetings ; but he knew also that this feeling would be smothered ; since Lord Althorp, after speaking and hearing, had concluded that it was a less evil to renew a severe law than to break by his secession the brotherhood of Reformers. It was one of the cases in which Lord Grey, the least arbitrary of brave Ministers, had overruled his colleagues without paining them. The breach with Mr. Stanley had been mended. Where a strong branch snapped in June, there was the budding and the quick growth of zeal and efficiency. In July the Whig stock seemed as upright as ever.

It was suddenly found that there was inside it a spot of egotism developing into faithlessness.

When it was known that coercion was to be renewed with only partial mitigation, the promoter of moderate anarchy, Mr. O'Connell, descried his opportunity for injuring the benefactors of his own brethren. It was too late to wreak his spite on his chastiser ; Mr. Stanley was out of his reach ; on the weak successor of the great Irish Secretary he pounced like a vulture. Without quotation from his reported speeches, it is perhaps allowable to put his general accusation into form in such words as these : ' If I had known that you were going to keep the gag on my people I should have set myself against you. You have beguiled me with false hopes of an amended law. You have been playing with me. You had a candidate for County Wexford ; you knew that I could stop his election. You waited till his election was over, keeping me all the while in the dark about your Bill. Now that he is seated you throw me over. I have been cheated by Mr. Littleton. He promised me that the Bill should not contain the clauses about public meetings. He came to me from the leader of the House to disarm me by a juggle. I said long ago the Whigs were base.'

This was the charge brought against the Ministers. It troubled their friends and gladdened their rivals.

It was true that Mr. Littleton had tried to keep Mr. O'Connell quiet, perhaps not so much in County Wexford as in all the counties alike, by telling him

that coercion was to be limited, and that nothing was settled as to its limits ; in telling him this he bound him to secrecy. He and his friends thought Mr. O'Connell to blame for not observing secrecy ; it looks as if the Tories and others thought that he was released from such secrecy by Mr. Littleton's failing to tell him when and how the limits of coercion were fixed. The best informed narrator of the affair, Lord Althorp's biographer, thought that others, if not Mr. Littleton himself, could at one time have averted the explosion of Mr. O'Connell's indignation.

When once the charge of perfidy was brought, the House of Commons became a court of honour, and the accuser, not being a duellist, enjoyed perfect freedom of speech. There were no witnesses of conversations between the accuser and the accused ; they gave each other downright contradictions. The one was angry because he had been deceived ; the other because confidence and secrecy had been broken. It is a curious thing about arrogant men that they chew with relish anything that they can exhibit as a specimen of their own credulity ; no man was ever more imposed upon, by his own account, than Napoleon Bonaparte. It was once said of Mr. O'Connell that he was very easily apprehended, when he wished it ; and it might be said that he was not hard to beguile with a bit of complaisance when he had a chance of picking a quarrel out of it. It cannot be proved that he was not encouraged to deceive himself by the secretary. The

secretary unluckily made him an oral communication, not reduced to a protocol, not heard by a third person. It was imprudent to treat informally with so astute and shifty a man. But this imprudence was less unstatesmanlike than the indiscretion of opening any communication at all on the subject before or without getting leave from Lord Grey, and this indiscretion was less discreditable to Mr. Littleton than his silence in Cabinet Council when it was finally determined to retain the public meetings clauses ; for he ought, then and there, to have told his brethren all that had passed between him and Mr. O'Connell. But these errors were venial compared with the original error.

Mr. Littleton erred in judgment when he asked the Lord-Lieutenant to help him to conciliate Mr. O'Connell by writing to Lord Grey, and saying that he could govern Ireland without the repressive clauses. He seems to have considered himself not so much the spokesman of the Dublin administration, not so much the reporter in London of conclusions fixed in Dublin, as the manager of a parliamentary section. He seems to have addressed his nominal chief the Marquess Wellesley as a potentate standing outside the Home Government ; an ally rather than a colleague ; an ultimate authority rather than a councillor. He set himself to be useful by smoothing away contending egotisms.

The Marquess was rather too great a man for his place. He could not very well be summoned to London for personal conference with Lord Mel-

bourne. He was allowed to be at Dublin, as remote, if not physically yet morally, as if he had been still in his old seat of rule, Calcutta. His opinion as to keeping the king's peace in Ireland was honoured by Sir Robert Peel ostensibly, by Lord Grey sincerely, as the opinion of a superior person sitting as it were on a tripod and enveloped in local knowledge. Mr. Littleton, from the best of motives, tampered with the oracle. All would have gone right, either if the Viceroy had sat at a table with the secretary and the Lords Grey and Melbourne, summoning on occasion such advisers as soldiers and barristers, or if he had shown Lord Grey all the letters that he received from their colleagues. As it was, he had not the least notion that he was doing mischief, or enabling others to do mischief, when he drew up public letters of the nature of State papers, such as Lord Grey could eventually lay before Parliament, and at the same time wrote to his more intimate and more flattering correspondents private letters, which were to help them to gainsay the First Minister. Mr. Littleton, at a time of life in which zeal for getting business done is paramount, corresponded as a personal friend with an old man absorbed in nursing his own reputation. The Marquess Wellesley was, that year, enjoying a sort of apotheosis. He was exempt from the task of measuring his own mind with the minds of equals. He liked being trusted with the thunderbolts of coercion ; therefore he steadily wrote to Lord Grey that the Act must be renewed. He liked being addressed as one wiser and

greater than parliamentary leaders ; therefore he wrote to Mr. Littleton, or to another courtier-like friend, or to both of them, that he would govern Ireland if they wished it with a milder statute. This second opinion was made known secretly to Mr. O'Connell, before it was made known to Lord Grey. From that time forth it was almost impossible to push through the Commons the entire Bill ; for the Commons of course would say that the executive officer in Dublin must be believed if he said that he could keep peace with less power of muzzling the people. There was nothing treacherous in the Viceroy's saying: 'I had rather have all the extraordinary powers, but I will try to do without some of them, if it will ease you in parliamentary management ;' but he should have said this in the hearing of the First Lord of the Treasury and of the Home Secretary, his necessary masters.

Who, then, was the other backstair negotiator besides Mr. Littleton? The comedy of intrigue would be dull, if there were no person in it more mercurial than the Staffordshire squire. The Marquess Wellesley was beguiled by one who never was happy unless he was flattering somebody. He fell a victim to Lord Brougham's friendship. The two vain men, of whom one was in his day a showy humanist, and the other believed himself to be a good judge of Greek and Latin verse, played the polite game of mutual admiration with such inequality as suited their difference of age and title. When the Marquess became a Viceroy on a small scale, the

learned Baron fawned on him as he was wont to fawn on people that could not be in his way, such as William IV. By the summer of 1834, he was in a position to meddle slyly with the Government of Ireland. This was a set-off against some disappointments. He was, forsooth, once more abreast of the First Minister, ahead of the Whig lieutenants, more efficient than the leader of the Commons, more in the secret than the Home Secretary. He would be the manager of the party ; he would employ Lord Wellesley and Mr. Littleton to play with the Irish demagogue. When in extreme old age he wrote his memoirs, he evaded all confession of error in his behaviour towards Lord Grey, all acknowledgment of having deserved Lord Melbourne's antipathy. It is likely enough that he was seldom, in his long life, more sincere than when he professed to Lord Althorp and to the House of Peers that his one object was to keep together the Reform Ministry with or without Lord Grey. But Lord Althorp blamed him for assenting in the Cabinet to the retention of the clauses which he had privately urged the Viceroy to give up. When scolded by him for resigning, Lord Althorp wrote back to him : ' I wish you would look a little at the share you have taken in this business. Without communication with one of your colleagues, with the view, I know, of facilitating business in Parliament, you desired Littleton to write to Lord Wellesley, and you wrote to him yourself, to press him to express an opinion that the first three clauses of the Bill might be omitted. He did express

that opinion, and I thought, and still think, that when the Lord-Lieutenant of Ireland said that any circumstance of expediency would induce him to carry on the Government of that country by the ordinary law; to whatever extent he made that admission, it was the duty of the Government here to agree with him. He had said he did not want the court-martial clauses; we properly omitted them. He then said he could go on without these three clauses, and I think we ought to have omitted them also; but you, having originally produced the difficulty by writing to Lord Wellesley, gave your decision directly against what you had advised Lord Wellesley to do.’¹

It was always difficult for Lord Brougham to live as a comrade with gentlemen such as the Grey Cabinet Ministers. The awkwardness of his position was increased when Lord Althorp, his sponsor, ceased, after four years’ endurance, to uphold him. It was in the nature of things that he should meddle and fidget and multiply himself. Nothing but fine temper could prolong the country gentleman’s attachment to this ‘man of many words.’ A true sportsman could never like one who piqued himself on chasing two hares at once, and on leaping from one saddle to another in mid career. To the reader it is a welcome catastrophe when these two part company.

¹ The biographer, who prints this letter, naturally refrains from dwelling on Lord Brougham’s questionable behaviour, because Lord Brougham was his patron; but for this letter the chapter would be rather too hard on the lesser offender Mr. Littleton. A careless reader of the biography might fail to see that Lord Althorp blamed Lord Brougham much more than Mr. Littleton.

However, it must be admitted that Lord Brougham was right in protesting against breaking up the Ministry. The most obvious of sacrifices was Mr. Littleton. He thought so himself, but he was persuaded by Lord Althorp to stay where he was. The occasion seemed to demand a greater victim. It does not appear that the Marquess or the Lord Chancellor either offered, or was expected, to resign. Any of these three, or all three at once, could have been thrown away without endangering the permanence of Whig rule. It looks as if they escaped from the consequences of their aberration; but Mr. Littleton forfeited his chance of the Speakership, and the two peers were after the year 1834 left out of political combinations.

Lord Althorp, during the few days of flurry, consulted about resignation four or five of his colleagues in the Lower House, mostly colleagues who had joined him recently. It is worth remarking that he did not consult the two old colleagues in the Lower House who stood foremost in power and reputation, Lord John Russell and Lord Palmerston. It is probable that Lord Palmerston had never thought him, and that Lord John Russell had since his imprudent use of Mr. Littleton's agency ceased to think him, fit for the leadership. When he resigned office, two hundred and six members, of whom none were place-men, many were Irishmen, many were sitting in their first Parliament, declared that he was as worthy as ever of confidence. No doubt they spoke what nearly the whole House, Tories and all, sincerely felt. There could be no better cure than this declaration

for the passing ailment of his healthy mind, no more complete refuting of the odd conclusion which he had formed that he had ruined his character. The would-be scapegoat was led back with gilded horns into the fold. Mr. O'Connell, with four of his family, not only signed the letter to Lord Althorp, but also avowed that he thought Mr. Littleton a man of stainless honour. What could be easier than to renew the Coercion Act with the clauses which Lord Grey thought necessary? The Lord-Lieutenant was left free to avail himself of the power they gave, or to govern Ireland without putting them in force. Lord Althorp had been willing to let the Act pass with these clauses, although he believed them to be unnecessary. The coarse indignation of the demagogue had exploded, and the Irish people was undisturbed. The session was drawing to a close. No recent election of a member of Parliament tended to prove that the Whig party was losing its hold on the nation. Mr. Littleton's entanglement had turned out almost a trifle. Yet the First Minister retired.

On the surface Lord Grey's retirement looks like that sort of retirement which is not unusual in parliamentary countries, when a leading statesman says of a particular measure, not that it shall never be carried, but that it shall never be carried by him. In this case, as the incoming Minister, Lord Melbourne, conceded that omission which the outgoing Minister had refused, it might be assumed that the two differed. Such would have been the explanation in the absence of biographical evidence. But it is more likely

to be true that Lord Grey did not withdraw merely because he was, unlike Lord Melbourne, too proud to make a concession that had become unavoidable. He withdrew mainly because the comrades to whom he had openly stated his opinion had not been equally frank towards him. He was sick at heart, because those whom he thoroughly trusted were so far dissemblers as to make arrangements for him without consulting him. This was really not perfidy ; it was rather the fussy kindness which a brother, a son, or a servant displays in managing the affairs of a respected but aged householder. Lord Grey was seventy years old, and not so lively as many statesmen have been at that age. He was very sensitive, and, whilst he spoke freely of his decline, he did not like to be treated as one that could not bear the fatigue of deliberation. Lord Brougham had tried to make things smooth for him by a contrivance which, although it has been on high authority declared not to be an intrigue, was nevertheless not plain dealing.¹ He wrote thus to Lord Althorp, June 30 : ' I feel that I have great reason to complain that, after a measure had been agreed upon, and no doubt existed with respect to it, private communications are made to the Lord-Lieutenant without my knowledge, which induce him to express an opinion inconsistent with that which his own views of the state of Ireland have suggested, and chiefly maintained on grounds from which I entirely dissent.' On July 9 he gave the Lords his account of his resignation. To them he said that he went out

¹ Lord Russell's Introduction to Speeches published in 1870.

because he could not do without Lord Althorp.¹ His own resignation was irrevocable. He heartily wished Lord Althorp to go back and serve under his successor. His regard for Lord Althorp was quite unaltered. He silently acquiesced in Lord Melbourne's change of opinion about the disputed clauses. Two months after leaving the Treasury he went into Scotland, and was welcomed as a deliverer and benefactor. He was to be feasted and praised for Reform ; Lord Brougham was to share the honours. On the day before the festival the two Reformers met as guests at a private party of fifty gentlemen. Lord Grey was talking to some one, when he saw Lord Brougham coming up and holding out his hand to him rather timidly. He 'made no corresponding gesture, but in steady silence looked a calm repulse.'²

It is clear that he forgave others, but did not forgive the man who had interfered with his rule. He, who down to this time remains the ideal statesman, seemed then to be a little unreasonable in throwing up his duties before his party failed, seemed to fall over a mere molehill, seemed to be tired too soon. But he had borne with Lord Brougham for nearly four years, and in patience no less than in disdain he surpassed others.

¹ Since Lord Althorp consented to keep his place, Lord Grey lost his excuse for resigning ; and if judged on formally published statements of reasons, it is the most groundless of resignations on record. Judged on statements which were at the time private, and have passed through biography into history, it remains an egotistical act. But if Lord Grey was so melancholy as to shrink from rebuking a Brougham or a Wellesley, he must have ceased to be wholly fit for supreme rule.

² Lord Cockburn, who was present, records this fully in his Journal, i. 195.

In the way of affront or assault there was nothing that Lord Grey resented so sternly as the demand made for the production of his correspondence with the Lord-Lieutenant. No one could force him, few dared ask him, to give an explanation of motives, of doubts, of alternate swayings to and fro. He was not above confessing to the Peers that he had yielded to advice in deferring his abdication, but he was jealous for the dignity of rulers ; and the discipline of administration was as sacred to him as any other discipline ever was to Spartan, Roman, or Briton. Inquisitiveness was then strangled, and has since been baffled.

Yet it is natural or innocent if it hovers about his personal relations with Lord Wellesley. Was it quite of his own choosing that he entrusted the government of Ireland to the man who had, twenty years earlier, figured as the possible, even the likeliest, chief of a Liberal Ministry? Was he disappointed by the result? Did he, when all was over, regret having employed the splendid Marquess, whose intellect was so much more luminous, whose character was so much less solid, than his own? These questions are not idle. It concerns all who respect administration as the highest art, and Lord Grey as the finest master of the art, to consider whether it was not a serious mistake to let the Viceroy in Ireland be such a man as Lord Wellesley could not help being, a sort of George IV. Lord Wellesley, by himself, might have been a fit deputy of the supreme Government ; but when his mind

came into conjuncture with Lord Brougham's mind he was dangerous.

A Ministry is not made strong by adding one mental power to another, so much as by harmony of mental powers. A Ministry is a body of combatants arrayed against other, less coherent, sets of combatants. It should resemble the Trafalgar fleet in which Collingwood and Blackwood knew thoroughly, and all the captains knew sufficiently, the purpose of Nelson, so that sympathy was in unison with obedience. The English are acquainted with a game played by men and by boys in which eleven partners have to exert themselves singly and emulously, and in which their success is imperilled by eager vanity if it oversteps the limit of emulation and becomes even for a moment selfish. So it is in politics. Men in the perfectness of activity and self-restraint, such as the Dundas of 1795, the Castlereagh of 1814, the Russell, the Palmerston, the Melbourne of 1831, use with delight every opportunity of advancing themselves by work done in office or in Parliament, without playing their own game; they are in heart with their chief, and his character controls their instincts. If they fall away into undue self-regard the brilliant men give less strength to the composite body than other men of drier and homelier mind. It is apparent, that in the decline of life, and after a period of inactivity relieved by flatteries, some men who have been excellent Ministers are apt to become too fond of their own characters. But as to the two personages who unwittingly drove Lord

Grey from power, there is no proof that at any time of life they were quite to be relied upon for keeping step with equals under a single chief.

XLIX.

IN its fourth year the Reform Ministry was thought to have impaired its faculties. Its failures were noticed, and by the common mistake of slovenly observers they were made out to be a habit of failure. The charge of inefficiency is based on a capricious or hasty numbering of legislative projects made by Ministers, which did not become statutes in the year. If it had not been for the great fertility of the preceding session no one would have thought this fourth session barren. If the Whigs had not set free the intellect of the nation, if they had not made enactment of laws the service by which a Ministry was to earn and justify its tenure, it would not have occurred to any moderately fair critic to taunt with lack of energy those who were indisputably fulfilling the old, the principal, duties of Government. No Ministry since Mr. Pelham's had set itself to lead the thoughtful class of citizens in a series of progressive measures ; except in short intervals, when a Pitt was at leisure, or a Huskisson was allowed an opportunity, the sovereign's parliamentary agents had, before Lord Grey's time, satisfied their friends ¹ and stopped the

¹ Their disinterested friends ; for of course they had many friends who were kept in good humour by the fruition or the hope of titles, appointments, contracts, and pensions.

mouths of their assailants, if at all, only by upholding the borrowing powers of the State and its authority with other States. Tried by the old test Lord Grey was, up to the last, as successful as any of his predecessors. Although he had let the Russians have their own way in Poland, and, as some said, also in Turkey, he lorded it over the European sea without touching the skirts of war ; his armaments sufficed, strange to say, although they were puny ; he reduced some public stock from four per cents to three and a half per cents ; he could have at any moment borrowed money on better terms than Lord Liverpool. He legislated magnificently, and set a standard in his third year which enabled hasty thinkers to say that his legislative force was abated in the fourth. It must be borne in mind that Lord Grey himself was not one who wrought out improvements in detail. Reform of the House of Commons, and the management of foreign affairs, employed such leisure as the King, and the applicants for places, allowed him ; his coadjutors in their several offices framed the bills. But it is convenient to ascribe the bills, whether they did or did not pass into statutes, to the chief who authorized their proposal. Inasmuch as he held office, after reforming the people's representation, as the captain of men bent on progress, he must bear the reproach if it is ascertained that the lieutenants of his choice were fumblers.

Lord Althorp failed with his scheme for charging on the land-tax the maintenance of ecclesiastical buildings. Lord John Russell failed with his scheme

for enabling Nonconformists to get married in other places besides churches. Both these failures are accounted for by one fact.

It was, in 1834, very difficult to guess from common sources of information what the Dissenters would say to the friends who prescribed for their ailments. They had been tractable six years before ; they had then dropped the badges of conscientiousness so readily, that it was no wonder if their aristocratic champions assumed that they would be always amiable. But the experiences of the session, which failed to comfort them about weddings and church rates, proved that their leaders in the towns clung to grievances, as the supports of the levers which they wielded in elections.

The scruples, the punctiliousness of the political Dissenters, whom the high gentlemen never met except at public dinners, were fatiguing. There were to be scores of politicians, for scores of sessions, thriving on topics that grew out of religious jealousies ; the original champion of Dissenters, Lord John Russell, was to persevere, with a hardy rather than a genial temper, in arguing for what he thought to be simply due to the principle of religious equality. In trying to satisfy the descendants of the Puritans a Whig was naturally guided by history, and if he found that they were suffering about a tenth of what the seventeenth century Puritans had suffered he graduated his indignation and zeal proportionably ; nor would he undertake to rouse the country gentlemen, his allies, into fervour sufficient for melting the

prejudices of the whole aristocracy. The unconquered Tories, the Upper House, good society, the clubs in which fixed ideas wither, could not be made to feel that there was anything shocking in such grievances as the Dissenters were actually suffering. So in this direction the Whigs failed, partly because they had clients who did not instruct them, partly because they could not honestly make out a case of such hardship as the world would feel to be unendurable.

Lord John Russell failed in legislating against bribery at elections. This project could not have been a Cabinet Bill ; for after passing the Commons it was overlaid by amendments proposed in the Upper House ; these amendments were devised by a select committee ; the spokesman of the committee was a Cabinet Minister, Lord Lansdowne. The amended Bill came back to the Commons in the last weeks of the session. The Commons thought it was virtually a new measure ; and they would not hurry themselves about it. The proposal made by Lord Lansdowne amounted to a new and curious invention ; he would have an election tried by one of the regular judges ; so far he forestalled the device which has worked well in later days. But he was for giving the judge a jury, in which seven jurymen should be members of the Lower House, five should be Peers. This composition ruined the scheme. The Commons would never have agreed to such an admission of Peers. If they surrendered their exclusive right to try elections, it was reasonable to submit to a judge

or to judges, but not to let in the House of Lords. This jealousy they displayed by taking upon themselves to deprive certain boroughs of representation for a time, by putting off the issue of the writs which the Speaker, by order of the House, sends to returning officers when seats are declared to be vacant. The Commons resorted to this method of punishing boroughs, after the Lords had thrown out Bills which disfranchised certain corrupt sets of voters, Bills which were legitimate supplements to the great Reform Act.

In short, the session proved that the Lords were still inclined and able to limit popular representation. This elasticity of the anti-reformers made good the prediction of those who, when arguing for the Act, had said that it was not meant to degrade the Upper House by undue curtailment of its powers. Yet the Peers might have been forced to give way, if the county members who carried Reform, and the burgesses who owed their seats to Reform, had been more persevering. It is true that the Whigs failed to complete the purifying of Parliament. It was no new thing for virtue to show signs of weariness.

No one but a sour partizan charges a Ministry with inefficiency merely because it brings forward a scheme in a state fit for preliminary discussion, and withdraws it after discussion, with a view to more deliberate treatment in another session. It is true that there may be a Minister too proud to do this ; Sir Robert Peel, for instance, piqued himself on carrying every one of his measures in the same session

in which he broached them. But no truly Conservative politician can dislike a certain amount of adjournment. As it is right to allow an interval between the first and the second reading of almost every important Bill, so it is often right to lay a project before Parliament when the session is far spent, in the hope of its being considered at leisure in the interval between two sessions. A Parliament sitting all the year and disposing of questions one after another, working at each exclusively from day to day, would legislate too rapidly for the durable validity of statutes. A proposal for fiscal change may require to be hastened, because it is likely to keep traders in suspense. It may be treated more swiftly when it is purely financial, as, for instance, when it concerns the reduction of a tax on dogs, than when it concerns the pecuniary claims of one set of men on another set.

The Whigs, guided by reasoners or men of theory, proposed to alter by elaborate machinery a considerable part of rural business, the gathering of clerical dues from the yearly produce of the land. Tithes are one of the many sources of income; they come therefore under the survey of those who consider how far one man's income is taken with or without discouragement to other men's industry. The conclusions of the theorist on tithes may be, without any usurpation, enforced by the State, because the State has fixed the conditions under which certain persons, without inheritance or purchase, enjoy tithes.

In Ireland the consideration of tithes was an urgent duty, because the King's peace was habit-

ually broken by the assertion of claims to certain chattels. In England it was not the urgent duty of the Government to press the inquiry into the best way of tithing the land's produce, since in England the claims to chattels led to bloodless litigation. But the economic philosophy declared that good husbandry was thwarted even in England by the practice of the tithe collector. Therefore it was a proper task for a rational Government to inquire whether tithes could not be taken in a way not injurious to the tillers of the soil.

Lord Althorp was neither slow, nor peremptory, in asking the Commons to agree to the doctrine, that instead of tithing the produce, or taking tithe 'in kind,'¹ the producers had better compound² with the receivers for a constant money payment resembling rent, or buy off the claims by a few great payments. Further than this resolution he could not advance. Delay was inevitable. Clergymen and landholders must have time to think over the rules of commutation. Small landholders, as it appeared from Lord Ebrington's account of his own neighbours, differed from great landholders as to the theory of tithes.

¹ 'In kind,' i.e. in the same kind or *species*, as a payment for a charge on a wheat harvest made in wheat itself, not in a money equivalent.

² Although the word 'compound' is here used, it must not be supposed that compounding or composition for tithes was the same as commutation. Composition was an old device; in the stupid ages a landholder would compound with a title-owner—such as a monastic corporation—to pay a certain fixed sum of money in lieu of the varying bulk of produce; this was called a 'modus;' as the value of coins relatively to produce was lowered the tithe-owner lost greatly by the bargain. Commutation avoids the mistake made by the inventors of 'modus' or of compounding.

Several counties had different customs about tithes ; so said Sir Robert Peel.

Here, then, was a tangled question ; and the discouragement of agriculture imputed to the ecclesiastical charges on the land was not so grievous as to demand hasty action. To put this business off was no sign of weakness.

In dealing with Irish tithes it was right to be more strenuous. In Ireland tithes had been for ages grudged, disputed, and fought for. In the preceding century the ruling or privileged class had been at leisure to wrangle within its own circle about the right of the spirituality to every tenth cow when the ten cows were dry or barren. Of course the spirituality was worsted. The Court of Exchequer in Dublin uniformly decreed in favour of the clergymen. But some squires threatened to emigrate to America rather than pay for their milkless kine. A bishop, called Boulter, who was at one time trusted by the London Government, was for letting the laymen have their own way. Protestant ascendancy, he said, could not be kept up if the Protestant clergy was supported against Protestant laymen.¹

The squires in 1735, by a vote of their representatives, discharged all pastures of tithe ; and there were vast regions fit for pasture only. Grazing tenants gave them less trouble ; to save themselves trouble they impoverished many of their own pastors.

Plots of land farmed by Catholic priests were

¹ It was called agistment tithe.

spared not by law but by the comity of Churches ; but a Protestant tithe owner, whether he was a parson or a lay impropriator, could at any time set at nought the courtesy and affront the whole hierarchy of Western Europe, by seizing a Catholic bullock.

A herd could be lawfully seized by the officers of the courts after process, if it was seized in the field ; if the recusant drove it home before the officers could reach it, they might not cross the fence of his homestead.

Amongst the countless leagues of plotters against law may be discerned a league of 'Right men,' who bound themselves by oath not to pay a high price to clergymen for tithed chattels, and to hinder them and their proctors in drawing tithe.

The highest wisdom of the independent Dublin Parliament was displayed in a proposal to exempt from tithe all lands that grew flax, because flax was the material of a new industry, and all lands that grew potatoes, because potatoes were the food of the poor. If the Pitt Government had not by corruption kept a majority in the Dublin House of Commons, this exemption, acting as a bounty, would have been granted.

But with this dangerous partiality was combined by the patriot Mr. Grattan a far better device ; he proposed to make tithes money payments, varying with the price not of all produce, but of corn used for bread, varying not from year to year, but from one period of seven years to another. Mr. Grattan then anticipated, at least in embryo, the

principle of tithe commutation, which at once debars the clergyman from profiting instantly by every economical improvement, and saves him from being tied down to a fixed payment in a substance which in course of time changes its purchasing power, a precious metal.¹

Mr. Grattan outlived both the independent Irish legislature and the hope of getting the Tories to heal the tithe distemper. Soon after his death the Tory Ministers took up his plan. Their statute enabled, without compelling, the owner of tithe to make a composition for twenty-one years, based on septennial corn averages, without exemption of grass lands. This permissive law had been under trial for eight years, when the Whigs, scandalized by the strife which it failed to check, undertook to amend it. They found that composition for tithe was as odious to the Irish as the old payment in kind. There were not more than three-fifths of the parishes in which it had been arranged. It might be calculated that before the last parish adopted the scheme the early compounders would have reached their term of twenty-one years, and would be shrinking from a

¹ The average price of corn would be ascertained for one year by comparing the prices at many markets. The number of markets to be compared would be settled in a manner inevitably arbitrary. Mr. Grattan proposed a rate for each of the four provinces. When the average for a year was settled and recorded, it would be compared with those of the six next years. The number seven would be chosen as an apparently convenient subdivision of human life; perhaps with unconscious leaning to theological traditions. The number seven has no scientific value. Seasons are not known to have septenary cycles. The selection of an aggregate number of years as a division in calculating an average seems to be even in scientific inquiries often arbitrary.

second valuation, for fear the parson should gain by the increased produce.

If composition had been enforced it would have been effected everywhere before the Catholics were relieved of their political disabilities. As it was, their dislike of the tax was heightened by their new consciousness of political equality.

The Whigs had used by inadvertence a phrase which a sanguine and subtle man could twist into a promise ; they had spoken in a State paper of extinguishing tithe, when they meant only that they would abolish a disorderly method of drawing tithe. They passed an Act in 1832 which made composition necessary and permanent.¹ But this Act did not become an effectual law. The habit of resistance to tithe collectors was already fixed. In many parishes where tithe was refused, the recusants had compounded when composition was a thing of free contract ; they were emboldened to deny their obligation by the accretion of similar robbers. It was of no use to say to them : ‘ Behold, you are no longer obliged to set aside the incumbent’s portion before you garner your crop ; you are not required to wait for the parson’s valuer whilst the rain is falling on the wheat sheaves ; you are not to be worried by the yearly visits of tricksters who stand between you and your clergyman to plunder both ; you may improve your farm and change your tillage without fear of being taxed in proportion to the amount of produce.’ Nor was it a real

¹ In Section XL. this subject has been touched with reference to the circumstances which made a Coercion Act necessary.

comfort to the bewildered rector to assure him that he had a settled charge on every acre, whether in grass or under the plough ; that his fortunes turned on the sacred substance, corn, which the whole aristocracy of the United Kingdom was resolved to keep up at a fair and steady price ; that it would cost him only fifteen per cent. to collect his dues ; that he was backed by the same forces that had fought in the mountains with fraudulent distillers of whisky, by the foot, horse, and police of King William. The peasant's answer would be that 'the boys' would not let him pay tithe at all. The clergyman's answer would be that he could not speak in the pulpit for the healing of minds, if his own name was invoked in odious suits and in the shedding of blood.

Mr. Stanley's Composition Act was accompanied by a merely ministerial Act for enabling the sufferers to get some, not all, of the arrears of tithe. Neither statute availed. The 'ecclesiastical persons,' whom the law-giver tried to help, remained as burdens on the State. The Liberal Parliament advanced them a million pounds; this sum was not all spent by the beginning of its second session ; but it was running out, and there was no chance of a second grant or loan. For three years there had been a general stoppage of tithes.

A Bill of about two hundred clauses was in 1834 laid before the House of Commons. Its general purport was the release of tenants from the duty of compounding with tithe owners. Instead of bargaining with the tillers or the graziers the ecclesiastical persons and the lay impropiators were to look to the land-

lords for regular money payments. But the Crown was to gather these dues, and then distribute them.

As it stood at first the Bill offered the landlords a great reduction of the tax, if they assumed the burden without delay. When it was discussed at the end of July—that is, in the last weeks of the session, when the residue of the Whig Cabinet was winding up its affairs—Mr. O'Connell, after trying to throw it out, amended it. This he did in a thin House; and the resistance made by the Ministers was formal rather than vigorous. It was thought that they wished to be out-voted; and it is hard to believe that they were not conscious of being out-argued. Mr. O'Connell's was the more tenable opinion. He contended that peace and regularity could not be secured, unless that were at once given to all the landlords which the Ministers had proposed to give only to some; that all should be at once compelled to pay the land-tax or rent-charge substituted for tithe, and that all should enjoy at once a remission of two-fifths of the nominal annuities due to tithe owners. His speech indicated knowledge of facts; and it looked as if he was eager to smooth the way towards a durable settlement. Sir Robert Peel said that the Government, having failed to establish by administrative energy the right to tithe, ought to put off legislating on the method of gathering it; and that at a time when most owners of Irish land were out of town it was hard upon them to enact that they should take the place of the occupiers.

In the House of Lords there was a greater crowd

of voters ; and they were reinforced by the proxies of some two hundred men who did not think it worth while to listen to argument. Lord Melbourne, now First Minister, said plainly that, if the clergy did not accept the compromise, they would be left to work out, as before, their feeble assertion of claims ; no better terms would ever be offered them. The Bishop of Derry stated that he found, contrary to his own view, that the persons interested were ready to close with the offer. A Tory nevertheless preferred to disappoint the hungry clergymen rather than let them make a sacrifice of forty per cent. Mr. Stanley's argument, that the parsons were becoming stipendiaries of the State, was echoed by the Duke of Wellington. There was a great majority against the Bill ; and the Ministers having been slack in the greater House, and having rallied their Peers to support the altered measure, showed on the whole that their wish was to be rid of the question, and to withdraw from the invidious defence of tithe owners.

The Tory Peers did not go beyond the limits of honourable party combat in throwing out a Bill so long delayed, so hastily mutilated, so irresolutely pressed in the Commons. But they were not kind to the struggling Church which they were bound by their principles to defend. The spirits of their fathers might be imagined to reproach them with letting the teachers of the chosen creed submit to robbery and fall into mendicancy.

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ALTHOUGH no success in organic and progressive legislation could excuse failure in administrative action, the passing of 'the new Poor Law' was a masterly achievement, a set-off against disappointments, a fruit of Reform more durable than any of the fruits gathered in the former year.

It is conceivable that Sir Robert Peel and Sir Henry Hardinge, if in power, would have accomplished, what the Whigs had dropped in weariness, the redress of the Protestant Irish clergy's wrongs, and the shifting of Irish frowardness from tithe to some other object. But no evolution of Tory from Tory, no quartering of Huskisson doctrine with Wellington courage, no rhetorical liberality, no abrupt conversion of a parliamentary manager to economic orthodoxy, could have brought about any alteration of social practice so important as the new treatment of paupers. This was a task for genuine reasoners, not serving the times, for healing operators, who shrunk not from probing a people's wounds.

The Whigs took up the question, not because it was inevitable, nor because they had, when in Opposition, studied it or made it a party symbol. Neither the King's peace nor the nation's credit was endangered by the idlers of the villages. No one, in the years of Radical scolding, had charged the aristocracy with perverse encouragement of idleness, although Mr. Ricardo, a writer more instructive than popular, had justly reproached Mr. Pitt as the

heresiarch of rural economy. The reports drawn up in 1817 and 1819, which condemned the prevalent folly of promising wages to all claimants, bore the names of men, such as Mr. Huskisson and Mr. Sturges Bourne, who, though not mere Tories, were far from being Whigs.¹

Why, then, did the Whigs take up the question? They took it up, because they were intellectual politicians, acquainted with the philosophers who sounded the backwaters of society, and bent on employing the youthful, logical, and active interpreters of such philosophy.

They were speedy, without being hasty, in setting these helpmates to a work, which, when there was leisure with opportunity, they believed they ought, as patriots, to essay. Most of the subjects on which they framed Bills in their first three sessions were urgent. Whilst legislating on subjects which the public offices presented to them as things that would not bear delay, they were also inquiring through special Commissioners as to that depravation of humanity which was called legal relief of the poor. The report of the Commission was presented to the Crown at the beginning of the year 1834; no Commission ever worked so well and so fast. The inquirers were partly men of station, partly aspirants.

¹ Mr. Sturges Bourne was the author of a statute which enabled parishes to elect little councils, called 'select vestries,' for the management of paupers; this permission, without compulsion, had of course only a partial effect. The Reverend Sydney Smith at one time mocked him, at another time apologized, and did him justice. He was one of the many thoughtful patriots who, according to their strength, tried to do good before Reform, to whom modern Liberals do scant justice.

There was amongst them Mr. Sturges Bourne, who had for a short time held high office under Mr. Canning, and Dr. Blomfield, Bishop of London, who had spoken well for his Order in the debates on the Reform Bill. There were Mr. Senior and Mr. Chadwick, the one a man of critical and speculative reason, the other a man of detail and of enthusiasm, both so young that they have since enjoyed the happiness of seeing generations grow up to the unconscious inheriting of their discoveries.¹

In the King's Speech no mention was made of a Government Bill for the amendment of the Poor Laws. It was not till mid-April that Lord Althorp laid the Bill before the Commons. It contained above a hundred clauses; but it did not carry on its face an enunciation of all the principles on which it was grounded or of the rules thence deduced. What was most conspicuous in its provisions was that it framed an entirely new public office with great power of regulating parochial affairs; and on looking a little more closely it might be perceived that this office was not to have for its chief a Parliamentary Minister. This Board of three permanent officers was to rule over nine or more agents, similar in their movements to the 'revising barristers' of the representative system. These itinerant emissaries were to

¹ Dr. Sumner, Bishop of Chester, was famed for a certain blending of evangelical piety with economic prudence. He published, about the year 1827, some minute suggestions about thrift, urging the labourers to put off marrying till they had saved eighty pounds. About the same time the magnificent Bishop of Durham issued to his clergy a tract on the duty of helping the poor by taking care not to waste food. It appears that there was no ecclesiastical bias against the economists.

interfere busily with the justices or magistrates heretofore trusted with the control of most parish affairs. Quarter sessions and King's Bench were to be tribunals for adjudicating several kinds of disputes between parishes and between individuals. The Board was not to arbitrate when there was a question whether a particular pauper was to be relieved by this or that parish, or to what amount. The Board was to be ever fertile in breeding rules and counsels ; the only individuals on whom it was to act judicially were paid officers appointed by the local rulers. It was not to appoint these paid officers ; such patronage would expose it to jealousy. The country gentleman's horror of patronage when kept in the hands of unparliamentary officers had been, fifty years earlier, fomented and skilfully applied to a party object by the opponents of Mr. Fox ; his India Bill proposing, as it did, to form a Board with perpetual reproductive powers, capable of providing for a succession of Foxite families by distributing clerkships, was enough to warn his friends against giving the new triumvirate of almoners more patronage than a score of appointments, perhaps temporary.

The assignment of a power to make rules sanctioned by penalties seems at first sight a measure calculated to stir up that sort of jealousy which, when they encourage it, the rich and great call 'constitutional.' It would no doubt be reprehensible to give such power to a permanent triumvirate, without taking precautions. It is obvious when stated, and yet a careless mind may easily miss the truth, that

when a Board is told that it may make a rule and sanction it by a penalty, the next point at which one pauses is the point of inquiry as to the enforcement of the penalty; if the Board itself can enforce it by jurisdiction, you have a tyranny. But in point of fact it is enforced, in Britain, only by an ordinary court of justice. It is conceivable that most of the speculative thinkers who have schemed for the good of mankind would have been fain to create beneficent authorities armed with every weapon for constraining men to act on their rules. In England there is, unobserved perhaps by most lovers of mankind, a fixed custom of requiring all who enforce the byelaws or regulations of their own systems to summon offenders before functionaries often much below the prosecutors, but detached from all systems; that is, the magistrates, whether paid or unpaid, whether rural or urban, whether nominated by Lords-Lieutenant or elected by burgesses.¹ So that the regulative authorities figure as prosecutors, and in endeavouring to bring about the execution of secondary laws they have no prerogative. As the excisemen, or collectors of inland revenue, deal in open court with those who are charged with evading the dog-tax or the gun-tax, so do inspectors of factories deal with manufacturers who are charged with not supplying enough fresh air to their workmen. So also do the deputed servants of the London office,

¹ Either House of Parliament can enforce its rules by penalties without applying to any tribunal. A Judge of Assize if, after he has sentenced a culprit to a year's imprisonment, he is himself assaulted by the culprit, can offhand add another term of imprisonment to the sentence. These are anomalies.

which since 1834 has, under more than one title, controlled the relief of indigent people, deal with those who are believed to have violated their ordinances; nor has the London office itself ever enjoyed any greater freedom than other departments of State administration.

It was as clear as possible from the first that the new Commission was to be subject, according to the Constitution, to the Secretary of State, and accountable to any single member of Parliament who should care to bring its rules before the critical notice of the House. Parliament was asked only to grant powers which it could at any time prune. A modern Board was sure to be much more under control than older Bodies hedged in by prescription, such as the two Universities, or the Brotherhood which gave legal rights to pilots. It was sure to have to come again and again of its own accord to ask Parliament for amendment of the original statute on which it was to be founded.

Nevertheless, there were personages of some weight who declaimed against the assignment of a power to make rules; and, in declaiming, tumbled into sayings which impugned, generally, all delegation of regulative power.¹ The Duke of Wellington, who knew how hard it was to manage rural institutions

¹ An Edinburgh reviewer in July 1836 stated that it was Lord Abinger, formerly Sir James Scarlett, who took the lead in inveighing against this 'unheard-of delegation of legislative authority.' If this is true, it shows how ignorant of legal facts a successful advocate could be in the age in which the greatest gains were made by advocacy in English law courts. But Lord Abinger's name does not occur in the Annual Register's account of the debates on the Bill.

in a southern shire, declared in his effective pleading for the Bill that, so far from thinking too much power was given to the Commissioners, he doubted whether they would not want more power.

There was nothing new in the framing of bye-laws about relief of indigence. There were fifteen thousand sets of authorities in the country accustomed to exercise this power, only they were as inaccessible to Parliament and to comprehensive reason as so many private household authorities. Of the fifteen thousand by far the most were acting under custom with loose reference to a few general statutes which were susceptible of diverse construing; others were guided by 'Local Acts,' or statutes enacted by Parliament at the request of one parish or a few combined parishes; of these particular statutes there were about four hundred. There were seventeen great towns, and five great London parishes, relieving their paupers under Acts of their own. The general statutes had laid down rules as to the claims or rights of indigent persons; the particular statutes had framed machinery for inquiring into these claims and for distributing in an orderly way the moneys collected from parishioners by the local taxing, called the poor-rate. Where there were no special Acts the machinery was ruder than in the parishes organized by Parliament on request. But it was rude everywhere. Under pretence of municipal freedom, or popular local autonomy, there existed one tyranny of overseers and another of magistrates; and except in a few parishes where there were magistrates, generally

clergymen, who gave constant attention to the relief of indigence and the discouragement of idleness, the better tyranny, that of the magistrates, was kept by mutual repulsion from due interference with overseers. In small sets of people left to themselves it has often happened that authorities have grown up outside written law or periodical censure; and these authorities, devolving on men of different ages and different habits of thought, are apt to make the holders not only jealous, but afraid of each other. Thus it might come to pass in a little town that the inhabitants, writhing under rates, appointed a paid overseer who by acidity of manner was qualified to repress the idle and the destitute, whilst the natural leaders of the townsfolk, even when holding seats in the council, or being elected to the mayoralty, had to listen in silence to just complaints of the overseer's cruelty. Or in a neighbouring village, where there was no council, nothing better than a vestry, an impudent idler would flout the vestry, its chairman the parson, its officer the overseer, and threaten loudly to get from the magistrate in his parlour the alms refused by the neighbours who knew his habits of life. The justice of the peace could overrule the vestry, even if he was himself so weak as to be intimidated by the pauper.

The Bill proposed to improve this jurisdiction, by establishing everywhere little representative councils, in which the justices were to have seats by virtue of their office, having, it is true, a remnant of their separate and arbitrary power, but on the whole compelled

to sit in council with the representatives of the rate-payers if they would retain a hold on the destitute folk. Yet they continued to exercise in petty sessions, not as of old in their own parlours, but only in public courts, a jurisdiction sufficient for enforcing the rules which guided the overseers and the discipline of the workhouses; nor has it been shown that they cannot be trusted to decide cases which they have as councillors joined in bringing before their own tribunal.¹

The name of Guardian was given in the Bill to everyone chosen by ratepayers to represent a parish; it was a term already known to a considerable number of parishes. The general extension of the representative system seems, in the retrospect, much more important than it seemed at the time. The application of the system to the relief of indigence following the contentious recasting of boroughs and counties, preceding, except in Scotland, the abolition of self-perpetuating oligarchy in corporate towns, was effected not at one stroke by the Act for amending the Poor Law, but by a cautious process which lasted three or four years, and through the agency of the skilful assistants employed by the Poor Law Commissioners. It was not till the new method had been proved to work well in the more agricultural counties that the new potentates, conscious of being

¹ The twenty-seventh clause, which gave justices power to order outdoor relief to old people and disabled people, was rescinded after a short experience of the new law. Other clauses, intended to break the fall of the squires, were quietly neglected.

censoriously watched, invaded the rich, rough, and wilful counties of Lancashire and Yorkshire, and established unions of parishes with the discipline of economical charity in regions which had not owned themselves to be in need of sweeping change. Election of delegates by household suffrage would seem to be what people call democratic ; and everything democratic has been assumed to please manufacturing towns rather than rural districts. Yet the institution of a Board of Guardians was protested against with violence in Salford, a township of Manchester.

In truth, the institution was a refinement ; and those who accepted it from skilled lawgivers were consciously and deliberately doing that which in remote ages men had done imperceptibly, yielding the rude 'natural liberty' of the housemaster, and letting it pass through sieves or conduits. The absolutely democratic thing was the vestry. A federation of vestries would have been coarse and unwieldy democracy. Either a single parish meeting attended by all householders who like to attend, or a confluence of parish meetings towards a centre, such as was customary in Italy and in Switzerland, must be a precarious, haphazard council, unfit to transact business in detail. One day there will be three or four householders present ; another day three or four hundred. The few, if tolerated, become jobbers ; the many, when free from special excitement, are in a hurry to appoint committees. Such government generally passes into an oligarchy, and undergoes now and

then a revolution which sets up a short-lived ochlocracy.¹

The vestry was not threatened by the economic reformers. Besides its chaotic authority over the fabric of the church, it retained its annual right to appoint overseers. Forty-six years have passed, and the overseer survives. There is a public list of householders liable to the burden of this office, and even if he cannot write his name or add up a sum on paper, the man, whose turn it is, must hold the rate-book, and go through the parish to gather coins for the relief of destitute folk. Why, then, did not the Bill exalt the overseer and make him the delegate of the parish? Probably because the forced service of the unpaid overseer had become almost a menial service, and because the title had been made hateful by the misconduct of paid overseers; also because the English instinct is to spare and set on one side an old, even a decayed, office, not superseding it by the creation of new offices, but rather keeping the old and the new asunder as if they were to balance each other, or, in some occult way, to charm society against theory and logic. The overseer, paid or unpaid, is an integral part of parish government; and, although his functions are of vital importance to the business of relief, he is not even an *ex officio* member of a Board of Guardians; he is in communication with it only through its clerk; he is accountable to one Poor Law officer,

¹ An ancient dweller in Italy wrote, that his hamlet, Mandela, contained five households, and was wont to send five housemasters to a bigger place, Varia, probably for transacting local business.

the auditor; he is neither feared nor courted by the modern pauper.¹

To give the little parliaments of the Poor Law a fair start it was right to give them names that had no mean associations, to place them, like the great Parliament, on a broad and sound base of election, to make them accessible to gentlemen and therefore attractive to all others. To make them vigilant and frugal it was expedient to secure a numerical preponderance of members earning their livelihood over the inheritors of estates. It was arranged, not in the Act but in the secondary rules, that, where parishes were combined in unions, the very smallest parish, even if it contained only a few score inhabitants, should elect one guardian, a parish of a thousand inhabitants having two, a parish of a greater size three or more; so that if the confederacy included twenty villages and one or two market towns there would be about thirty elected members, most of them sure to be regular in attendance, because under social pressure, and themselves interested in keeping the relief-tax low. In a district of these dimensions there would be perhaps twelve resident justices of the peace, not numerous enough, even if tightly bound together, to outvote their elected colleagues, nor likely to be very diligent in observing

¹ Henry VIII. created the Lieutenant of the County, because the Sheriff could not keep the peace to his satisfaction; yet the Sheriff survived. The Grey Government founded a new Court of Criminal Jurisdiction for London, and kept the City Aldermen to be assessors therein of the Judges. The Peel police was made so efficient as to secure due inquiry into sudden deaths; yet Coroners are allowed to exist. It is so hard to destroy any office, that it is wonderful how Conservatives can ever be alarmed.

the details of management. It was in human nature that the tradesmen and farmers should like sitting in council with the squires and parsons. The whole assembly was small enough to be mannerly. Public spirit, vanity, love of work, combined to make industrious guardians out of gentlemen. Experience, following on instinct, showed that gentlemen did best as chairmen. Soon after the Commission began to form unions, there were reckoned more than twelve men of lordly title and estate who presided over Boards of Guardians. Amongst these were the Duke of Richmond, who left the Cabinet before the Act was passed, and was the most conspicuous landowner in the county of Sussex, which of all counties had been suffering most from the old Poor Law; Lord Ebrington, the steadfast reformer; Lord Ellenborough, the fierce anti-reformer; Lord Radnor, the sacrificer of a pocket borough, and the fervent champion of free trade. Virtuous and refined men, heretofore prevented by bashfulness and poverty from shining in London, were drawn into the regular promotion of thrift and industry, into patient, gentle, and cheerful co-operation with yeomen and shopkeepers. Farmers, who had been wont to talk with farmers only, and seldom even with them, found in their fortnightly visits to their market town opportunities of comparing notes about human pains and doubts with men less tempted than themselves to the indulgence of prejudices. The Board was to country people a school of measured speech and sober decision. A parson got to know his flock better if he

talked over cases with lay brethren. A game-preserving magistrate, in examining the applications for relief, studied the lives of cottagers through the questioning of housewives ; for poor women as well as men came before the Boards. The weak people, who sometimes slipped from penury into offences, became acquainted in a kindlier way with those whom they had known as peremptory judges. Dissenters met Churchmen with a common motive and in subjection to an impartial discipline ; they met to talk over small but urgent matters, and they were restrained from emulous oratory by the universal desire of mid-day food and by the distance of their villages from the union house.

This, then, was for rural districts a new and important conjuncture. When the Scottish Kirk was struggling to do the almoners' work and to keep up the standard of self-respect ; when Frenchmen, weary of Catholic fraternities, were contriving, apart from law or on an hypothesis of a philosopher's ascendancy over lawyers, fine soft schemes of Socialism, the English people, without being fully aware of it, was forming a set of councils for one well-defined work, but with capacity for other work, and giving substance to vague old notions of beneficent administration. What churches and speculative philanthropists could not effect was left in England to the composition of two forces, legality and economic theory. Out of indignation against shameless idleness and against depraved charity grew a desire which issued in a remodelling of rural polity.

The management of paupers by mixed councils involved a change which seems not to have drawn much notice at the time. The councils, called Boards of Guardians, were empowered to hold real property, or a complete possession of fenced land and of houses built thereon. A parish, in strict theory, held no such estate. A parish was vulgarly believed to own a church, a churchyard, sometimes a workhouse, sometimes a playground, sometimes unfenced land called waste or common. In law these things belonged to the parson, or to the parson and churchwardens jointly, or to the lord of the manor ; except where there was a perpetual fiduciary owner called a trustee, or a trust in which the trustees were two or more. If a benevolent person wished to give a playground, a pump, or a lamp to a parish, he had to arrange, through an attorney, to get a spot of land conveyed by a vendor to a trust for the use of the inhabitants. The State serenely taxed the documents by which these transfers were effected. To save the cost of the stamps which gave validity to a purchase of the fee simple or perfect estate the benevolent person would, by the advice of his attorney, purchase, with a cheaper stamp on the parchment, a lease for a thousand or two thousand years. The lessees were to live all these years ; therefore they were not men but perpetuated officers. A map, a register, a 'terrier,' or a 'cadestre,' would have made it easy to identify the bit of soil. The 'self-governed' parish had no such conveniences ; it was a shapeless cripple, propped and bandaged by

attorneys. If a railway company crossed a piece of land belonging to the lord of a manor, but subject to common rights of pasture, it had to pay to trustees, expensively appointed by legal potentates, a sum of money supposed to amount to compensation; and no entreaty, no force short of a decree in a court of equity, could be brought to bear on a trustee who had scruples about applying the trust fund to a public use. Such were some of the incapacities arising from the fact that a parish was not a 'municipy' or corporation. Of course they could at any time be met and remedied by an Act of Parliament; a general or public Act cost the parish nothing; a local or special Act cost about four hundred pounds. If a parish was also an incorporated borough it could hold land and things fixed in the soil; but about the year 1834 the town councils generally were either so diffident or so contemptible that lands devoted to public use were more likely to be possessed by trustees than by mayors and aldermen; and a solid townsman would feel himself stronger for good works as a trustee in a black coat than as an alderman in a red gown.

It was, then, in the days of effete municipality that the Legislature quietly created federal municipalities called Boards of Guardians, capable of suing and of being sued, of buying manorial or trust lands, of borrowing money on the security of the rates to build union workhouses on their lands. A theorist skilled in law would perhaps begin by creating a municipality, and then deduce from its definitions all its particular

functions. The Englishmen of 1834, though working in the full light of Malthus and Bentham, instinctively made up a faggot of powers, and left a minute observer to discover for himself that they were tied together by the convenient fiction of a legal personality. Forty-six years have passed ; and the faggot of powers which a Board of Guardians holds is a good deal thicker than it was, and municipal government has become more flexible and more comprehensive in towns ; but the parish which is not a municipal town remains incapable of holding property ; its roads belong to a Highway Board, its pumps and lamps to individual owners of soil who are hindered only by the social sanction from appropriating what the people use ; its burial ground is so far the parson's that he can keep its corners full of weeds and send sheep to graze amidst the tombs.

The authors of the new Poor Law kept their minds steadily fixed on the promotion of industry and thrift. Incidentally they made contrivances which were almost political fabrics ; but they never dreamed of recasting the parish and making it a *commune*. The tide runs up a winding coast, narrows to a point of force where the coast is indented by a creek, enters the creek, and half prevails over a constant river, whose little curves break the intrusive brine into tongues. So did intellectual lawgivers penetrate the anomalies of the English village without prevailing over them.

It would be a mistake to suppose that the Board of Guardians was authorized to invent a new way of

taxing, to find new sources of income, to form or to augment any fund, to ease the shoulders of anyone who groaned under the pressure of the poor-rate by shifting the burden to shoulders heretofore exempt. Lord Brougham, in expounding the principles of the measure, made the Peers understand what was really a modern English discovery, that it is bad policy to tell the people that there is a certain stock or fund for their support. The lawgivers, whom Lord Brougham ably represented, abhorred those funded alms which piety in other lands provided under such names as *pium corpus*, which England knew, and still knows, as charities and doles.¹ They held, and they taught through tracts and story books, that gifts on which one can reckon lose their grace and harden the self-indulgence of idlers into sturdy beggary. They must have learnt from the heroic experiment made in Glasgow by Dr. Chalmers that even gatherings of alms from week to week get to be reckoned on, and so bring about a congestion of indigence in the precinct of a church. An endowment would spoil the efficiency of Boards of Guardians. The Board would be useful, not if it sat round a strong box known to hold coins, but if it said to the indigent: 'We will not let you perish, but we shall have to go to our neighbours, even to neighbours whom you know to be only a few pence richer than

¹ By the eighty-fifth clause the Commissioners were empowered to call for and to publish accounts of charity estates. But this was in fact the work of a separate Commission, a body of far lower vitality, which in 1834 cost the nation about thirteen thousand pounds, and still lingers on, under the cold shade of a law court.

yourselves, and we shall have to squeeze out a penny here and a farthing there to pay the baker of whom we buy the bread that we give you.'

This gathering from house to house was no new thing ; it had been practised more than two hundred years. The collector was the overseer of the parish ; he collected when bidden by his rulers, and they bade him collect when they knew that they must have supplies ; they did not begin with taxing and then wait to see how they would spend the revenue. Under the Poor Law, even before it was amended, the parish rulers did in their little way what the free Parliaments did on a great scale ; they examined certain estimates of necessary outlay, and then devised ways and means for meeting the charges. But the ways and means of Parliament are manifold ; the parish government had but one source of income, a fraction of the annual value of every house and field within its boundaries ; woodlands were taxed lightly, minerals inadequately ; factories were taxed with little regard to the profits made by their owners.

In this practice the Bill made no change. It gave a right to the guardians to assess property in parishes, not to each guardian in his own parish, but to the Board in all the parishes of the union. But the property marked out as taxable was the same as before. No one could be rated on account of invisible income or visible expenditure. No man carrying on a handicraft could be made to contribute out of his gains to the feeding of the hungry if he lived in a hired room of another man's house. No little tax

levied by the London government, such as a tax on carriages, or on bachelors, was assigned by the Bill to the relief of paupers. Nothing was taken from the superfluities of tithes or of glebes.

The object of the lawgivers was not to make it easy to raise a revenue, but to touch the pockets of all householders. By making the labourer pay three shillings a year towards feeding the old, the sick, and the orphans, if he paid three pounds a year for the use of his cottage and garden, the wily economists pressed him into their service; he became, with them, the censor of all who broke down, the vigilant inquisitor as to an applicant's secret hoards, the keen questioner as to the cost of maintaining paupers in the workhouse. It could be argued that the labourer did not really pay the shillings if he was only a tenant, since by competition the owner of the cottage was forced to charge so much less for the occupancy; but it was expedient not to insist on this refinement; it was better that every tenant should wince under the rates; for the object was to go as far as possible towards doing away with poor-rates, and compelling everyone to provide for himself and his near kindred.

Fortunately, there was no belief, no popular maxim, no demagogue's street cry, to the effect that the indigent must be nourished by the State. Although the Government had throughout the historical centuries professed to guard against dearth, it had not been so foolish as to guarantee its subjects against starvation. It had not charged the Crown

or the nation with the relief of paupers. It had once for all, in Elizabeth's reign, charged the land generally, the parishes severally. This legal doctrine, that in each parish the annual value of every parcel of land should be publicly reckoned in terms of money, that it was liable to the uttermost penny for the nourishment of its own paupers, was tightly grasped by the authors of the new law. They offered the parishes loans, not aids or subsidies. Every loan was to be, unlike certain advances made in Ireland, fully repaid with interest in a limited time ; both interest and principal were to be secured by the certain collection of a percentage on the annual value of occupied lands.¹ In the worst of times and in the most ill-managed neighbourhoods, the visible limit fixed by the appraisement or rating must have bounded the profuseness of parish rulers and the cravings of the paupers. When rates rose to ten or twelve shillings in the pound, it was intelligible enough to magistrates, and to prolific termagants, that if things went on in the same train the funds would soon be exhausted ; indeed, one could point to a parish or two in which rent ceased, because rates swallowed up the produce. Whereas, if the dispensers of charity had been able to draw on the Treasury, it would have been very hard to convince even an overseer, much more a pauper, that the great people in London would some time or other come to

¹ It must be borne in mind that land, in law, comprises buildings. A Briton escapes the poor-rate if he lives in a thing that floats on a river or a haven.

the bottom of their purse. Educated people, perhaps one in a thousand of William IV.'s subjects, knew that the Treasury had hardly any sources of revenue beyond what subjects and sojourners could or would set aside from their savings, and that, if pressed more and more by idlers, they would cease to set aside anything; but the State behaved as if it had inexhaustible funds; and in the face of great loans not solicited by the finance minister, but offered, seemingly, as a favour to money-lenders, it was easy to suppose that the State need not be parsimonious.

To a free speculative mind it must sometimes occur that wealth might be distributed by the State in such a way as to abolish indigence and to make comfort universal. To one impressed by the mass of observations taken of idleness, and in particular by the experiments of the Lamartine Government of France in the year 1848, it appears almost certain that any government, however elaborate, must fail to establish anything like a level of enjoyment. It is enough, perhaps, to say that there are two reasons why the best wisdom of man should break down in such an endeavour. Firstly, those who come to the State for wages and for comforts are incessantly followed by imitators, and the host becomes too numerous. Secondly, if the Government were to persevere, it would have to lay such taxes on prosperous citizens, not merely on unproductive annuitants, but on traders and farmers, that they would be disheartened and sickened. They would hoard coins, emigrate, or leave off their skilled industries.

In the year 1817 Mr. Ricardo, in publishing his most important treatise, wrote of the poor laws that their tendency was 'not, as the Legislature benevolently intended, to amend the condition of the poor, but to deteriorate the condition of both **poor and rich**. Instead of making the poor rich, they are calculated to make the rich poor; and whilst the present laws are in force, it is quite in the natural order of things that the fund for the maintenance of the poor should progressively increase till it has absorbed all the net revenue of the country, or at least so much of it as the State shall leave to us after satisfying its own never-failing demands for the public expenditure.'

Mr. Ricardo has been, on the strength of this passage and its context, said to condemn altogether the system of relief grounded on compulsory assessment. In fact, he did say that he wished there were no poor laws, and that they should be very cautiously and slowly abolished. But he defended the method of taxation by parishes, and he deprecated the formation of a national fund. The Reformers of 1834 took credit for maintaining compulsory relief against the authority of Ricardo. It is probable that, if he had been alive, he would have agreed with them in thinking that the abolition of poor laws was so remote an object as to be then visionary. He might also have admitted that he had been too dismal in his prophecy.¹

¹ He perceived that he was living in an age in which his country was making progress, but he foreboded its arriving, like Holland, at a stationary state; that is, a state of existence in which capital would not increase, and so there would be no fund for the payment of wages to an

The wealth of the nation had increased in the seventeen years much faster than the poor-tax. Though pure agricultural rents had fallen in some districts, yet they were generally higher. The rents of lands taken up by houses and gardens had risen greatly except in little country towns. Paupers had preyed on many counties in England south of the Trent, particularly in the south-eastern counties, but their depredations had not perceptibly checked the progress of the northern counties. Ireland had no practice of relief resembling the practice of South Britain ; yet the wealth of Ireland was not increasing so fast as the wealth of even the agricultural parts of England. In the year 1831 the pauperism cost every inhabitant of England nine shillings and ninepence a year. Thirty years earlier, when food was much dearer, the cost was eightpence less. This does not look like a rapid destruction of property. In the year ending March 1831 the whole cost was 6,800,000*l.*; thirteen years earlier it had been 8,000,000*l.* Eight, or even six millions, made a huge sum measured by the whole yearly expendi-

increased body of labourers ; if population continued to increase, as it would if the gentry continued to encourage the marriages of the improvident poor, it would eat away the wealth of ratepayers, the new comers being, by the supposition, not wanted for industrial enterprises. This 'stationary state' haunted the imagination of the early economists who, though they took cognizance of experimental sciences, were not in a position to figure to themselves the range and scope of arts derived from 'natural philosophy' and chemistry. Stagnation may be seen in a particular people, but not as a thing due to the exhaustion of nature. As long as there are materials in the planet to be worked up, there will be profits divisible among those whom the scientific arts can employ ; there will also be a proportionate mass of refuse human life as long as the leading nations compete in promoting longevity.

ture of the State ; it was praiseworthy to try to reduce it. But in the course of forty-six years it has not been reduced ; many new things have been done for the helpless, and paid for in great measure out of the national taxes. The results of the law's amendment are to be found not so much in a diminishing body of paupers as in an increase of honoured contented industry. The land has not been relieved of a burden ; the Treasury has not been protected from encroaching claims. But a shameless mendicancy has been extirpated, and the character of the country people has been strengthened.

If the drier economists wished for the cessation of relief, what was the ideal state of England to which they pointed ? They must have aimed at nothing less than the universal practice of that calculating thrift which regulates the prouder families of all classes. If there was no legal right to food, the people would, it was thought, agree to prolong celibacy, to ensure one another against sickness and accident, to lay up a stock for old age, as bees secure themselves against winter.

Suppose there was a land in which paper reckonings of claims were unknown, in which all wealth was tangible, it would be possible for all households to lay up stores of clothing enough for many years, but not stores of food. In the most prudent community the sick and the old would, like the infants, partake of recently procured food, not of old garnered food. They would eat things brought to them by the strong and the lucky. Suppose, on the other

hand, a country in which there are intangible properties, consisting of claims, expressed on paper. In such a country it seems impossible for everyone to invest savings. If all labourers did without beer, and with the wages thus saved bought each a square yard of land every year, there would soon be no yards of land to buy, and long before that term land would be extremely dear. If all labourers put away half their earnings for half their working time, so as to provide for the children to be born in the second half, where would they invest them? The savings' banks take up many millions, but as their deposits increase their managers must buy more consols, and the sellers of consols must find some other place of deposit.¹ If the labourers lend to municipal governments they drive out the insurance companies and other usurers. If the labourers lend to companies, they become indirectly traders and liable to accident. If, finally, they contribute to friendly or mutual insurance societies, they come back in age and sickness to the

¹ Suppose the national debt amounted to eight hundred millions, and the interest were fixed at three per cent., and the whole stock were held by the classes which are now encouraged to deposit in the savings' banks; the income, twenty-four millions, might perhaps support in some sort of comfort two millions of people, who were earning nothing, people of humble station, including those who are at present receivers of the relief given under the Poor Law. But the richer people would still be paying about eight millions towards this annual income of the poor; for they would be paying taxes to enable the State to pay the three per cent., instead of the two per cent., to which the rate of interest would naturally be reduced by the competition of investors. Indeed, it is hardly possible to imagine the State's offering three per cent. to all people through the Funds. If the State is to secure a great number of small incomes, it must found one great savings' bank, try to invest the deposits as a banker in loans to people who are trying to get profits, and fall upon the taxpayers to make good all the losses incurred in this banking business.

natural and inevitable attitude of dependence on the young and active. The club of the poor man is only a disguise of this condition. It is impossible for all to do as the few gentlemen do, to secure themselves the lifelong maintenance of the standard of comfort which they set themselves at marriage. A great deal may be done towards easing the decline of life. Something considerable may be done to guard against that penury which compels parents to sell their children's labour too soon, too blindly. But no parsimony or self-restraint can guarantee men and women against falling into dependency.

But dependency may be a thing of family affection. If family life reaches the ideal, the distribution of comfort amongst kinsfolk is satisfactory ; what need then of help from outside the family ? What need of poor laws ?

Poor laws in England grew out of a wish to keep order. The family was specially honoured by the early Protestants of England, as celibacy fell into disrepute. Domestic happiness was increased in that Tudor age, which, with its stakes and faggots, looks so horrible. Stern and spiteful vigilance guarded the people from strife about the monarchy. To escape civil war was a supreme blessing. To be free from disorderly vagrancy was a secondary object of Government. The vagrants were clearly not provided for by their families ; they had been encouraged by the people who had no families—the monks, the friars, the nuns. They had long preyed on timid and lazy owners of property. The Tudor

monarchy forbade them to beg, as it forbade them to steal.

Thieving, which may be taken to include licentious mendicancy, is a thing which, in the struggle of human animals, looks like a kind of scrambling. The State which cannot countenance animal instincts or 'natural liberty,' scruples about suppressing the thieves by death. It gives a pittance to save life, because it stops the human animal from doing that, as an animal, he would naturally do. The sovereign power then recognizes an artificial class of paupers, and in forbidding men to rob, or to extort by importunity, offers them a substitute for what they would, if left to themselves, struggle for. On this line one traces the English poor laws rather to order than to charity. In Scotland compulsory relief has been in this century reluctantly and slowly substituted for organized almsgiving. In Ireland it has been more rapidly substituted for irregular almsgiving and occasional Government bounties.

If the State grants pittances to destitute people in default of family help, it accompanies the grant with some restriction of liberty, designedly or incidentally. The State in Elizabeth's time incidentally fettered the pauper by tying him to his parish ; the intention seems to have been rather to give the landholders effectual control over the outlay through their neighbourly knowledge of the facts concerning the pauper, than to make relief less pleasant to the pauper by abridging his freedom.

Mr. Senior and his colleagues in 1834 retained,

with modification, the law of settlement, or the law which made each parish look to its own growth of pauperism ; they invented, hardily and skilfully, a new restriction which was directly meant to make the pauper dislike his pittance. This invention was called the Workhouse Test. It was twofold. Firstly, able-bodied people were told that they must come and live inside the union house, or workhouse, if they wanted relief. Secondly, when admitted to the workhouse, husbands were parted from their wives. To carry out the new rule it was necessary to build union houses, and to arrange them for separation of paupers according to age and sex. It was a pity that the ratepayers of one generation had to pay for buildings of which the cost was so great as to alarm the poorer districts ; and, since it was hoped that able-bodied folks would stay away, it was a pity to have to construct dormitories for them. It required some courage to substitute for the old workhouses, which were parts of villages and resembled almshouses, edifices which in some outward features resembled prisons. But they were meant to be under a strict discipline ; therefore they were rightly set in the outskirts of towns. The same situation made it easier to surround them with gardens ; age and infancy gained something from the isolation in broad spaces. Confusing paupers with poor people, the sentimental talkers railed against the 'bastille ;' forgetting that no poor man that had not worn out the kindness of neighbours would ever go to the workhouse, and that the pauper who did go to it might leave it on very

short notice, to try again whether he could pick up food elsewhere, and to go back to it on failure.

The confusion between ordinary poverty and the indigence which the law called pauperism was at first troublesome. Reformers, who gave evidence to show how cottagers were tempted to become paupers and lose their independence, were reproached with harsh contempt of the poor. They were accused of overlooking those very virtues which they were trying to preserve from contagious examples of hardened laziness. They were rescuing millions of poor people from the hardship of being unduly taxed to support idle people ; to this end it was necessary, at least in the first years of amendment, to bring it home to the idlers that if idle they should not also be free ; therefore they must eat the taxpayers' bread inside the taxpayers' high walls. This rule was wholly unlike anything that had been devised by statesmen and philanthropists for some generations. It was austere and bracing ; one would have expected the poetical admirers of Spartan strength or of Puritan dignity to applaud the bold device. The Duke of Wellington did applaud it ; but it does not appear that it pleased the literary men.

It required some courage to break the custom, though it was but a modern custom, of giving weekly doles to rustics in their own cottages. It was predicted then, and the prophecy has been echoed after more than forty years, that the denial of 'allowances' would bring on civil war. There was a case reported in detail by the Commission of Inquiry

of a pauper besieging his overseer at midnight till the overseer's wife left her bed and carried some shillings to the front door ; such paupers no doubt existed in many villages, and commanded the sympathy of softer rustics, such as the Essex men, who were seen lounging under hedges in harvest time, content with parish pay, and refusing the good wages of the reapers. But the minds of settled country people, so long as they are not wholly spoilt by liquor, are amenable to the censorship of their own neighbours. The balance of rural opinion was found to be against the sluggards.

The severity of the rule was at first tempered by the delay in organizing unions ; as long as there was no union workhouse ready for him the lusty pauper had a respite. By the time the workhouses were completed the whole strength of society, so far as society was not under the sentimental influence of the chief London newspaper, was giving ethical validity to the law. Afterwards, when it was certain that there were no longer any sets of paupers in England making their indigence a gainful profession, it was found safe to relax the rule ; subsequent observation proved that some Boards of Guardians could not be trusted with discretionary freedom in relaxing the rule. The refusal of outdoor relief to able-bodied people remains the characteristic of the established system ; on inquiry one perceives that it is modified in more than one way. For in an apparent case of urgent need the paid distributor of relief, called the 'relieving officer,' is obliged to

advance a supply of provisions without waiting for the consent of any authorities ; only he must come to the Board for confirmation of his act. An able-bodied widow, if she has one child, is required to support herself and the child, or if she declares she cannot, to give up her home and live in the workhouse ; but if she has more than one child she is allowed a weekly pittance for every child but one, and she retains her home, and her free industry, with a subsidy.

Men and women, who are able to earn in their homes part of what their maintenance costs, are not forced into the workhouse ; they have little pensions to eke out their earnings ; their circumstances are reviewed every now and then, the pension being granted for a month or two or three months ; if the pension exceeds what they would cost if in the workhouse they are invited to come within the walls.

Such is the actual relaxation of the rule which refuses relief to people in health who wish to retain their liberty and their household goods ; it is thus that the law usually works. But when there is a general failure of a staple industry, and a multitude of workmen are thrown out of employment, the law seems to break down. When commerce is surfeited with iron, or starved for want of cotton, it comes to pass that a town or a village has two-thirds of its houses inhabited by people who say they cannot pay the poor-rate, who sell or pawn their clothes and furniture, who exhaust the funds of their clubs, who cease to get credit at their shops, who finally seem to be

destitute. In this case the law requires the landholders to prevent starvation, and it is not thoroughly enforced. Charity embraces the extraordinary swarm of sufferers, and the State, to prevent the destruction of fixed capital which would follow the flight of overtaxed landholders, supplies what is lacking to the rate-fund.

The principle of the law, restored by the Whigs of 1834, was to provide against absolute destitution, not to abolish the miseries of old age ; to drive men by fear of evil to find employment, not to find employment for them ; to keep them from dangerous suffering when they could get no wages, not to secure them certain or sufficient wages ; to make them feel that they were on the whole worse off as paupers than the poor ratepayers, not to give them help to better their condition. Erroneous interpretations of Elizabeth's Act, foolish practices authorized only by justices of the peace, weak concessions enacted by two or three of George III's Parliaments, were swept away definitively.

Nevertheless, the law continued to do some mischief ; for it tended to keep down the rate of wages in agriculture, if not in other employments. Although meant to be a security only against indigence, it was virtually a safeguard against some incidents of old age. The labourer took nine shillings where he was worth twelve shillings a week, because he knew that if his limbs were stiff at sixty, and he was then fit for less work or for no work, he had a right to three shillings a week. The employer

paid less to the workman because he felt that he was, as a ratepayer, maintaining a retired workman. This did not wholly prevent an occasional general rise of wages, but it clogged the bargaining of cottagers and farmers. The Admiralty could invite thousands of artificers to the dockyards, employ them at the market price of their skilled labour, dismiss them, and be clear of all obligations when there was less to be done for the navy ; similarly, though with less freedom, could manufacturers and owners of mines levy and disband their forces. But the ploughman, the carter, the shepherd, were like soldiers with deferred pay or pensions ; their masters could seldom hope to be rid of them when crippled. It is a hindrance to the husbandry of yeomen and of leaseholders, at least it is one of those things which by troubling the fancy and the temper act as a hindrance, that they must abide the return to the parish of emigrants who bring back a load of infirmity after having lived freely through their manhood and sold their best work to strangers. It seems hard to the man of few acres and a questionable balance at the bank that the prime young men go for a time to a mining county, leaving behind them aged parents to be fed by the ratepayers, and, when there is a glut of mineral produce, throw themselves with broken health and a closer prospect of indigence on the neighbours who have not shared, or have at least not been conscious of sharing, the prosperity that drew the emigration to the mines. The farmers and the village shopkeepers are the rear-guard of the army

that is conquering brute nature ; they pick up the lame stragglers, and they are by humanity forbidden to repudiate the charge. The theory of free contract makes it clear that in the long run those who with competent knowledge make bargains for the purchase of land, for the division of inherited land, and for the renting of land, secure themselves against special loss ; the land comes to them at a lower price because it is burdened with the maintenance of paupers. But it is not wholly unfortunate that they are not aware of this ; if they knew it they would be less eager to pounce upon impostors and to protest against extravagance ; their parsimony is not alien from justice, and it is indistinguishably blended with a wholesome detestation of selfish idleness.

The ratepayers were habitually beset by unmarried women who could not, or said they could not, support their children. Although brought up in the belief that the country was, on the whole, indebted to those who supplied human beings for the duties of peace and war, the leaders of parochial society seem to have learnt that the young women who anticipated, or evaded, wedlock were unsatisfactory. It was one thing to recognize a birth in a regular pauper family and to add, accordingly, a shilling a week to the pauper family's income ; another thing to provide by apprenticeship or otherwise for the offspring of mothers who were not wives. A parish with a strong instinct of self-defence would push off these invaders. About the time when the amendment of the Poor Law was submitted to Parliament, the Lord

Chief Justice was trying and punishing a squire, an overseer, and a constable for conspiring to bring about the release of their parish from a female inhabitant ; they had imprisoned her lover, and then bribed him to rid them of her by marrying her and taking her to the parish which was believed, on his oath, to be his own parish.¹

It was apparently regarded as a laudable and patriotic act on the part of the squire to give three pounds to the male pauper, and to buy him a licence which expedited his marriage ; the parish, which underwent the wrongful immigration and had to open its workhouse for the birth of a new and unwelcome parishioner, would in ordinary circumstances have been content with a civil remedy. Disgust at having a new pauper family fixed on it was more comically expressed when there was a clinking of handcuffs in evidence. The report of the trial shows that overseers were popularly believed to have power to compel wedlock, and that parishes were believed to compete with one another in bribing paupers to claim on oath a particular parish as his birthplace. In the rough language of the law this case of the King against Seward and others broaches the two questions of bastardy and settlement ; both were objects of skilled legislation, and were prominent in the new statute.

¹ By the law as it then stood a man could be kept in gaol, pending the birth of a child, if the parish authorities could bring the expectant woman to 'swear the child on him.' This must have been detention rather than punishment ; probably it was only a man of the pauper class that was treated thus.

Lord Brougham discoursed with great effect on the scandalous mendacity displayed in the disputes about parentage of illegitimate children ; he said that there was in such cases a great deal of perjury ; he was so carried away by oratory as to say that perjury was the most heinous of crimes except murder.¹

The Bishop of Exeter inveighed against the authors of the Bill for trying to make the mother answerable for the nurture of the child ; if she were forbidden to pursue the other parent she would be tempted to infanticide. The Bishop of London, representing the Commission of Inquiry, declared that intolerable shamelessness had been prevalent, and that it must be checked by making the woman and her kinsfolk do their best to maintain a bastard.²

Either way the difficulty and the scandal seemed hard to get over. The Duke of Wellington, however, made a bridge between the two plans which has lasted to this day ; he persuaded the Peers to pass a clause which ordained that the woman, being in the first

¹ If a man says falsely, with or without oath, that another man has committed a felony, so that he gets him hanged, he is a sort of murderer ; if he says, with or without oath, that he is identical with the missing heir of an estate, he is a sort of robber ; either of these 'perjuries' or mischievous liars is punished by law. But if a man, with or without oath, says that he is not the father of a certain child, and yet is proved to the satisfaction of the court to be the father, he is not punished for the perjury or lie. Hence it is evident that absolute perjury is not resented by the law. Perjury is punished when it is felt to be a public wrong, and then proportionably to the injury done or designed.

² The French have gone from one extremely harsh rule to its opposite. They used to act on the maxim, '*Virgini parturienti creditur*,' till lords and even prelates suffered from it. They then laid down the rule, '*La recherche de la paternité est interdite*.' This tends to the suppression of offspring more than to continence.

instance herself bound to maintain the child, might charge a man with the parentage, and that the overseer might obtain a decree of the court of quarter sessions compelling the putative father to help her, if her own evidence were backed by some corroborative proof to the satisfaction of the magistrates. This is a curious and cheerful fact, that so simple a provision as the requiring of 'some corroborative proof' has been found to make the modern bastardy law satisfactory. In later years the affiliating process has been generally conducted without the direct intervention of any parish officers by the mother at petty sessions, subject to an appeal to quarter sessions; probably the action has been far oftener threatened than brought against the father. As compared with actions for breach of promise of marriage the process of obtaining an order for the support of a bastard is rational and edifying; the dread of the summons has a stringent effect on men of more than one class. After taking the lead in abolishing the bad benevolence of encouraging the secret consignment of infants to hospitals, England showed other nations how to prevent infanticide without lowering the standard of modesty, how to protect the male without being cruel to the female; and the pilot who steered between the alternatives was an unlearned, unpaid justice of the peace, the Duke of Wellington.¹

¹ In Tavistock, a town of slow growth, which kept registers, there were in the forty years 1637-1677 twenty-two births out of wedlock, in the next forty years there were ninety-two. The increase is possibly due not to decay of female virtue, but to the slackening of Calvinistic censor-

The sixty-fourth clause of the Act abolishes the custom of 'settlement by hiring or service,' and it is much more important than it seems. A man was said to gain a settlement in a parish, that is, to become an encumbrancer on the parish just as if he had been born and spent his life in it, by living as a hired servant under a parishioner for a sufficient term of years. It was now ordained that no one was to change his parish in this way. At first sight this looks like an interference with a poor man's freedom in disposing of his labour ; he seems to be threatened with a forfeiture of deferred pay or relief in trouble if he accepts an engagement away from his birth-place. In reality the clause gave freedom. For, till amended, the law induced an employer, who feared the poor-rate, to hire no stranger for more than a short time, and to turn him off as soon as he drew near the day on which he would change his parish. Instead of being pinned to his own birthplace, or, if he left it at all, being driven from one place to another, a workman could henceforth betake himself to any town or village that wanted him, and reside there as long as he liked without ceasing to have a claim on his original neighbourhood. The fear of losing his birthright may have kept many dull rustics on a lifelong adhesion to an overstocked community ; but the more serious result of the old law was that it gave the mean patriots of a rising town an excuse for interfering with a master's levying of servants ; ship ; the first period comprised many years of Puritan ascendancy, and it is conceivable that in those days more infants were suppressed without registration.

an enterprising trader, pushing a hopeful business, was upbraided as a traitor to his parish who drew to it a swarm of possible hungerers. It so happened that the workmen and their employers were relieved by the amendment of the law of settlement just in time for a remarkable migration. The oppressed counties of the South began to let loose their spare people on the manufacturing and mining regions of the North as soon as it was known, and partly because it was known, that there was no longer any motive for repelling new settlers ; and the railways soon began to make easier the journey of the invited labourers to a busy staple, and also the journey of the worn-out artizan back to the hamlet in which he had grown to manhood.

Great as the improvement was, the law of settlement remained a hothead of litigation between parishes and, afterwards, between unions ; the Legislature has not yet done with it.

If the more prominent clauses of the Act are viewed summarily, they are seen to constitute a new municipal government for a certain well-defined purpose, the prevention of dangerous and scandalous indigence ; to attach and adjust this municipal government to a critical and regulative central office, strong enough for establishing uniformity with purity ; to array the social forces so as to act legally in the repression of idleness and mendicancy ; to stop the breeding of hereditary paupers ; and to give freedom of migration to trained workmen and to the learners of handicrafts.

These were the main objects of the economical reformers, whose masterpiece is the new Poor Law. They did not then foresee that their Boards would be gradually charged with the duties of a 'Medical State Charity,' or with the promotion of longevity, much less that they would have to supply means for poor children to pay for their schooling. Had such objects been set up in the reign of William IV., the reformers then in power would have shrunk from them. For they were specially moved by a wholesome wish to undo the effects of benevolence.

It was benevolence which had devised Rose's Act in the thirty-sixth year of George III., when the Pitt Government, having trampled on political discontent, undertook to make the very humblest British subjects comfortable in their homes. The paupers had been petted forty years. The masters who paid the lowest wages had been eased by the payment of extra wages to their labourers at the expense of the parish. Attempts had been made to invent employments. The parish officers, instead of guarding against disorder and starving, had been meddling with the proper duties of parents. The law had been spoiling charity by being itself charitable. The Church and State powers had been unwittingly aping Socialism.

There was no cure for the bewilderment and the jumble except by rigorously limiting relief to actual destitution ; to try to cut off the causes of destitution was quite another thing. The Boards were told to save from starving all people, whether good, bad, or

of mixed character. They were told also not to spend the ratepayers' money in trying to give any pauper a chance of rising in the world ; for instance, it was pronounced illegal for the guardians to give a pauper a spade or a pig, even if it seemed likely that a little capital would enable him to support himself. Therefore the Act strikes the critical reader with a sense of incongruity, when he sees in it a clause about loans to be raised for emigration ; the question arises, why a parish is encouraged to do so splendid a thing as to give a free passage to a colony ; and another question follows, whether any parish actually did so. Those who in the first few years of economical relief wrote to explain it did not dwell on this deviation.¹

It was found necessary to set forth in readable papers the principles and the working of the new law, because it was impugned after enactment with a sustained animosity for which the parliamentary discussions had not prepared its authors. A philanthropic writer in the 'Quarterly Review' spoke strongly of the Malthusian doctrine, which he thought had led the lawgivers to repress population by the denial of food ; whereas the friends of Mr. Malthus were content to say that as a matter of fact many human beings, like sparrows, died for want of food, and other human beings, whose parents made provision for them, lived a good many more years ; they were far from wishing to make food scarce, but they showed that it had a tendency to become scarce in

¹ In later days it has been found difficult to dissuade guardians from helping paupers to learn a trade or the like.

countries where strong men lay all day under a hedge in reliance on the overseers' shilling rather than gather the harvest on the other side of the hedge. The 'Quarterly' reviewer said that the 'allowance system' was certainly illegal, and needed only a declaratory Act to stop it at once everywhere, not observing that it had been from the first an invention of well-meaning squires, and that, if left to themselves, with nothing but a negative Act to control them, they were likely to relapse into the error. The same writer singled out for praise one part of the Act, the clause which indicated emigration beyond the sea as the remedy for congestion of mendicancy. But this notion, like most of the Socialistic fallacies, came of being unable to distinguish between poor people and paupers.

A self-taught man of genius, Mr. Dickens, published a grotesque satire, in which he described, with less exaggeration than was observed in his subsequent books, the cruelty, the meanness, the stupidity, the corruption of parish authorities dealing with outcast children; so far as his picture was truthful it was like other works of fiction, such as Miss Martineau's, a contribution towards the reasoning of the Poor Law reformers; for one of their ruling thoughts was, that parishes generally left the care of helpless creatures to uneducated and low-minded officers, who could not be expected to do right unless guided constantly by the picked men of the neighbourhood, occasionally by the supreme intelligence of professional administration; but the novelist unluckily

imagined that he was describing the new system. It is odd that no well-known novelist has thought it worth while to treat of the union, the guardians, the relieving officer, the workhouse chaplain, the modern notions of poor people about the right to outdoor relief in old age ; though there have been novelists who could, unlike Mr. Dickens, make sketches of such things interesting without violent contrasts.¹

The new system fell under the displeasure of him who was pronounced by a Tory Lord Chancellor to be the most powerful man in the country, Mr. Barnes. He set himself against the Act and the Commissioners, apparently to spite Lord Brougham. He was the editor of the 'Times,' a newspaper which had lately become the first of all newspapers. It seems that he read a private note, written either by Lord Althorp or by Lord Brougham, in which one of the two proposed to the other to treat with some want of respect such opinions as the newspaper should utter on the question. It was remarkable that Lord Brougham, who committed a thousand acts of imprudence or impropriety, suffered more from tearing up this note and throwing the fragments into a basket than from any other mistake. And it was deplorable that he should be disliked for the best action in his legislative career. Against the pelting of those essays called leading articles, which were often too

¹ Miss Martineau was encouraged by Lord Brougham and others to write tracts, under the form of tales, about the Poor Law. She was not in favour of necessary or legal relief ; but in the main her economical doctrines and her hopes for the poor coincided with those of Mr. Senior and Mr. Chadwick. In conversation and by personal example she did more, than by her little books, for the cause of honourable industry.

loquacious because their dimensions were fixed, the authors and administrators of the Poor Law could set up no defence except patient well-doing. The more they were vituperated the more carefully did they improve their method ; it happened sometimes that their improvements were suggested by their accusers. The Commission survived an assault which lasted more than ten years ; and in due time there grew up a body of writers who accepted the union work-house as a part of the England that all sensible men owned, and a host of readers to whom Malthus was a dim spectre.

LI.

MR. RICARDO, the reasoner who, though not slavishly followed, had authority with the Poor Law reformers, condemned in the year 1817 the practice of indulgence which dated from 1796. He blamed the State's interference with wages ; and although his theory of wages, worked out by him without due consideration of nature's stores and of chemical changes, is hardly commensurate with facts, he was right in saying that every sort of wage-fund provided by the State as a supplement to the funds of employers tends to hurt the labourers who live by wages. He did not dwell on the vice of the system, because he could refer to a well-known author ; ' the pernicious tendency ' of the poor laws had been, he said, ' fully developed by the able hand of Mr. Malthus.' It was from Malthus that the reformers derived, through Ricardo, their

rational but unpopular opinion against encouraging paupers to continue their race; and it was often alleged that this opinion was the root of the severity which marked the Poor Law Amendment Act.

It appears to have been about the year 1817 easy enough to slip into an opinion about Population which was contrary to the opinion of the Malthusians. A highly cultivated gentleman, slowly preparing for political duties, Lord Dudley, admired in those days a writer on political economy, called Lowe, recommended his writings to a wise divine, and then discovered in time to warn his correspondent, that the book was unsound, in that it erred about population. The detected error was a belief that a country was strong, rich, and happy in the direct ratio of its populousness. The truth of course is that, other things being equal, the more populous nation has the advantage in a contest. But other things can never be brought to equality. Ireland was in those times populous, and, if its inhabitants had been similar in character and habits to the Flemings or the Tuscans, it would have competed hopefully with Flanders or Tuscany. Norway was thinly peopled, but life there was more dignified than in the crowded delta of the Nile.

One can account for the value given to a numerous and prolific peasantry. British patriots were impressed by the easiness of recruiting for the militia during the great French war; manufacturers saw their chance of rapid gains in the easiness of collecting 'hands.' Celibacy had been associated

with sanctity before the Lutheran Reformation ; and the Protestant reaction, expressed in monuments which set rows of children in relief on either side of dead parents, was sustained by the frequent recital of Hebrew poems which glorified big families. Goldsmith's classical poem on a deserted village, learnt by heart in good houses, was quoted against depopulating landlords, and was in tune with the natural sighing of the tourist who saw a long Scottish strath without a chimney, and with a clan's burial-ground only just distinguishable from the stones of the hillside. It was customary, in days when literature lay apart from science, to long with the poet for an age in which every acre held and fed four men ; there had not yet arisen the romantic school of agriculture which thought to verify the imagined acre by composing a fertile soil.

No observant person could help seeing that in England and her dependencies population was imperfectly distributed ; big towns had some overpeopled regions in which people hung about after the demand for their labour ceased ; small towns had many hovels filled by people who fancied they were the better for dwelling where there were charity lands and common lands ; villages were infested with 'love-children,' cripples, and half-employed labourers ; the outlying bits of parishes harboured poachers and half-outlaws ; meanwhile the levels on the left bank of Ontario and Erie, and the scattered but numerous ploughlands of Australia, were crying for occupants.¹

¹ In the reign of George IV. there was a great deal of work to be had

Emigration, by which was meant migration beyond sea, and migration to countries subject to the King of England, was diligently promoted in the last few years of George IV.¹ Of the official men who preceded the Whig Government, Mr. Wilmot Horton was the most conspicuous and persevering in this movement. Of private gentlemen who, staying at home themselves, urged others to seek new homes, the most bountiful was the Earl of Egremont, who, living in the indulgent county of Sussex, sent to the colonies at his own cost two or three shiploads a year of his own amiable cottagers. A charitable society was formed at Montreal to welcome and direct settlers; at Quebec there was an equally benevolent association which helped people to go back to Britain. That there should be a reflux of discontent and a cry for help to go back may be taken to prove some error in the scheme; and the error probably consisted in sending over sea families enfeebled by dependence. The first promoters of emigration meant to turn paupers into industrious settlers. They were encouraged by parish authorities, who wished to be rid of encumbrances; it was thought at one time a fair bargain to get a pauper away three thousand miles from his place of settlement at the cost of twenty pounds.²

at Cambridge where many colleges enlarged their fabrics; a suburb grew up which was partly due to the immigration of workmen, and there were afterwards too many people sticking to the town.

¹ Ricardo does not mention emigration.

² It must be borne in mind that benevolent men and women were always confusing poverty with pauperism; philosophers, on the other hand, drew a line between the two, which, in real contact with a parish, lost its sharpness.

The export of useless and mischievous rustics was a corollary to the transportation of criminals. In both cases some relief was given to the country which exported ; but there was a difference in the effects produced on the country which received the deposit. Convicts were for some time useful ; their enforced and regulated labour helped to make more than one region habitable for free colonists. Paupers who stood on the quay of a Canadian town waiting to be hired were sometimes worth wages, sometimes not.

Although a single Sussex parish might be purged if it sent away a score of weak families, it was hardly conceivable that the rate of wages or the standard of comfort was to be perceptibly altered over South England by an outflow of inhabitants which never rose beyond fourteen thousand souls in one year.

The gift of a free passage to Canada was a kindness done to an Englishman ; it also comforted the owner of a Canadian ship which, having taken timber to England, wanted some cargo for the return voyage. But the emigrant, if intelligent, soon found that he would fare better in the rich and hospitable States on the right bank of the Canadian freshwater stream ; if he was not intelligent or hardy, he was not fit to bear the climate or struggle with the forest of Canada. So that the King's colonies in North America, all but Newfoundland, levied a capitation tax on their imported fellow-subjects, declining to allow a drawback when they crossed the lakes and entered the great Republic.

Those who could pay for their voyage preferred

better land, and found homes in those of the United States, which suited the white man. In the days of the Melbourne Whigs the United States were, for another reason besides fertility, attractive; they were more peaceful than Canada; but even if they had been less peaceful their far greater supply of accessible and arable plains would have drawn the spontaneous current of enterprise. Well-informed people go without patronage to the ground in which they can make the most out of nature.

At the time of Mr. Wilmot Horton's activity and Lord Egremont's patriarchal kindness, the Hollanders were carrying on an experiment which was noticed, and at first applauded, by English observers; they were constraining paupers to till some of their sandy flats, and by putting twenty tons of manure on every acre they were seemingly getting the land to feed its occupants. Everything that was done in Europe and North America for the cure or the restraint of pauperism was reported to King William IV. by his Commissioners; they did not recommend the imitation of the Dutch pauper colonies. The only experiments made in Britain which resemble the Dutch struggle with land have been made with convicts, not with paupers. But it would have been kinder to make paupers till waste lands in Britain than to send them to Canada, and leave them to their chances. Shiftless people could be sustained even on downs and heaths, if there were a few strong officers to look after them; and official inspection could be easily supplied at home. In the unfinished towns and the forest clear-

ings of a colony they would be at the mercy of casual masters, and many would be so useless in hired service as to be thrown on random charity. Such a land as Canada required the wits and the sinews of picked workmen, the toughness of volunteers, the grim stubbornness of fathers and mothers so trained to the charge of children as to make it a point of honour. Such a region would present many possible homesteads, but their occupiers ought to be so hardy as not to shrink from loneliness. The mean rustics, whom the squires wished to provide for and the little ratepayers wished to get rid of, could not exist if they lost the touch of dependency. Modern conscientiousness forbade their being treated as serfs ; modern liberality fanned the hope of improving them ; it was an error to believe that they could pass from their soft parochial life into the searching and striving of colonists.¹

About the time when social reformers abandoned the scheme of shipping the refuse people to America, and began to think of building workhouses for them, and of forcing them to exertion by threatening their

¹ Mr. Southey, who was thought by Sir Robert Peel the first literary man in the nation and was an orthodox Christian, wrote to Mr. Henry Taylor, of the Colonial Office, when people were discussing pauperism, and advised the shipment to foreign lands of all orphans and forsaken children that were on the hands of their parish rulers ; he probably meant that they were to be sent away when old enough to be usefully employed in countries that needed cheap labour ; it seems not to have struck him that they had any right to express a wish about the voyage. The authors and administrators of the Poor Law have not taken this view of orphans, as being creatures without a choosing power. That literature which thinks itself philosophical, and has a bias against the philosophy of law and trade, is wont to lead its professors into error when they try to make the world better by schemes.

bodily freedom, a sounder project of colonizing found favour, and another hemisphere was contemplated.

In the southern hemisphere, outside the Tropic of Capricorn, between the thirtieth and the fortieth parallel, there is not much land of any kind. Of what there is, the best is in America. In this part of America arose the less barbarous of the Spanish republics, and their dominions, accessible to Europeans not of Spanish blood, were attractive specially to British adventurers. When India was closed, and commerce was looking for new fields, when Robinson's cheerfulness, Canning's generosity, and Huskisson's sagacity were, if not causes, at least signs of good times, temperate South America was the land of promise, the land also of disappointment.

If it was merely a question of commercial profit, the regions, whose ports were Buenos Ayres and Valparaiso, were more useful to Englishmen, and therefore to the English State, than any colonies or any conquests in the south temperate zone. But there were not many leading Englishmen who knew enough about 'the wealth of nations' to believe practically that their country could enrich itself by trading with foreigners as much as by trading with colonies. Notwithstanding the treatises on economics, men of business were wont to look on British dependencies as on milch cows, and they wanted more of them; and besides the mercantile hankering after a market regulated protectively, there was the politician's instinct for enlargement of peopled territory, the churchman's desire of Protestant congregations, the John

Bull sentiment in favour of communities which, however rough, would be made up of real homes.

It happened that the Government of George III., though the moderns will hardly believe that it did anything but fail, secured for England all the habitable regions of the South that were not in America.

Captain Cook did more for England than any Frenchman ever did for France when he explored the Pacific and gave his King the discovery-title to lands which in climate, in harbours, in fitness for mixed agriculture, were similar, in mineral wealth dissimilar, but not unequal to Britain. Flinders the surveyor, Banks the botanist, Macarthur the flock-master, were next to Cook the principal guides to New Holland; inglorious, but brave mariners, who went southward for whales, when sperm oil was in high demand, touched some points of New Zealand. Both these names show that Dutchmen had been there before; but Dutchmen had in some unaccountable way failed to hold fast what they touched on the Pacific.¹

In South Africa King George ruled by another title, by conquest and subsequent treaty. Though conveniently situated and supplied with tame men that would work for hire or submit to servitude, Dutch Africa was disappointing to the Colonial Office.

¹ There have been so many disputes elsewhere about titles founded on discovery and occupation, that it is a wonder how undisputed has been the English ownership of Australia and New Zealand. Englishmen are apt to think other nations impudent in claiming ground, but they have themselves displayed singular assurance. There was a time when the French Ambassador asked Lord John Russell how much of Australia he claimed. He answered, 'All;' and the question was not pressed.

Protective or differential duties brought its wine to English taverns, and its best vineyards supplied a somewhat fashionable liquor, of which Cabinet Ministers got samples in their little perquisites. The Cape Colony tried the principles of British gentlemen if they settled in it, for they had to choose whether they would or would not indulge, like the old Dutch settlers, in the debasing comfort of slave-labour. The lovers of universal freedom used the press to set forth their views, and came into a posture which was thought seditious by the governors whom the Colonial Office employed. Yet there was no such manifest failure in business, no such flagrant breach of peace, as to thrust South Africa on the attention of the unreformed Parliament. If the colonizing enthusiasts turned aside from it, it was not so much because it was repulsive as because Australia (or New Holland) was more attractive.¹

Yet the attractions of Australia had a great set-off in the dread of convicts. The country which is hampered with the clumsy name of New South Wales had been made, to a certain extent, habitable by the labour of convicts; and the grazier who was not squeamish about the early biography of his servants profited by the employment of fellow-countrymen who called themselves 'Government people.' But as some of the exiles stuck to New South Wales when they had

¹ In 1827 there was twenty-eight times as much Cape wine brought to England as there was in 1867. It was used chiefly in adulterating good wines. As late as Victoria's reign every Cabinet Minister received every year, besides a buck from a royal park, some sweet wine, called *Constantia*, which was the name of two farms near Capetown.

served their time, and as there was some risk of even marrying a thief's child unawares if one took a wife or a husband in the colony, it required some emancipation of mind to set up a homestead there. The harbour of beautiful colour which Banks, the botanist, honoured with the name of his science, was hardly to be mentioned without a shudder. Its owners had to name it afresh. It was naturally the fairest haven in the island, but it had no charm for the people at home. If a gentleman in a public carriage spoke of having come from Australia, he saw his fellow-passengers shrinking away from him.¹

Reports were brought to England of a fertile region in the same latitude, but as far removed as possible in longitude from Botany Bay. It took its name from a stream called Swan River. It was resolved to found on this western or south-western coast of the little continent or great island an untainted colony. And it was to be an agricultural colony, for there was no talk of minerals. The only form of agriculture that would enable the settlers to export enough for the purchase of manufactured goods was grazing; there was nothing but wool for which one could expect a steady demand. The chosen region was at an appalling distance from any place inhabited by artificers; it did not lie in the track of commerce. There were very few indigenous settlers in the neighbourhood; their fewness might, one would think, have been taken as a sign that there

¹ The quality which convicts gave it can be expressed by one word 'viability'; they made some roads.

was no great supply of useful plants or animals. The few natives that did contrive to live there were too witless to be good hirelings. There was no thought of inviting, by promise of wages, any of the serviceable races that swarmed in the Malay islands—races so nimble and versatile that they would have long ago occupied Australia by spontaneous migration if Australia had been as fertile as the founders of the Swan River colony imagined.

It seems to have been designed that sundry gentlemen should take out from England ready-made wooden houses, seed, tools, food, and raiment, that is to say, in one word, 'capital;' and that for every lump of capital valued, when put on board ship, at three shillings, they should have in fee two acres of land. So that, if an emigrant shipped three hundred pounds' worth of goods, he was to be the owner of space equal to an English parish. If he put up his house in the middle of his domain he would have no fellow-parishioner, unless, indeed, he brought with him a family of working peasants; but if such a family consisted of five souls above ten years old, the settler was to have three thousand acres added to the four thousand earned by depositing his goods on the soil. It is evident that in a trackless country it would not be easy to set up these tabernacles. Although there was no fear of savages or wild beasts, the settlers would be inclined to put up their deal frames, and sit upon their packing-cases, near water pools, and within sight of the sea. A hardy settler would till a rood of land close to his dwelling,

but a gentleman colonist would expect to have it tilled for him.¹

A natural swarm of emigrants would pitch upon the best pieces of land, best in situation rather than in soil, and there would be some rough pushing till the cleverest were contented. But in a proprietary body, under a precise governor, every allotment would be barred against all but its owner, and a single ship-load of capitalists would own the equivalent of a Welsh county.

Considering what experience, in an age not mythical, the English people had of settling in a savage land, one would think that the sages of the Colonial Office might have foreseen the failure of this attempt at genteel colonizing. The Puritans in Massachusetts were known to have struggled through great hardships and dangers by holding together in groups which were churchlike and soldierlike, and also by working with their own hands. The Scots

¹ The word 'capital' has, since the days of economical definition, taken another meaning; it has come to mean, in modern business, the sum on which a company has to pay interest. In the best known companies this sum ought to be noted as negative capital; but it resembles the positive capital of one who has put away some of the profits of industry, inasmuch as he too, when he is not using it for an enterprise of his own, expects to get interest on it when he leaves it with another. To understand the thing, which is quite easy, one does well to set aside now and then the consideration of coined money and of 'money of account' or bank balances. A settler in an empty prairie, whether he gets to it in a ship, in a waggon, or on the back of a quadruped, must have some 'capital'; it will generally consist of some tools, some seeds, some biscuit, some defence against the sky; it is the saved or spare produce of industry; it is used in supporting life till fresh industry bestowed on the empty prairie produces some commodities. Perhaps it would be better to use the word 'capital' less freely, and sometimes to revert to Adam Smith's word 'stock.'

who went to Darien were known to have failed chiefly by reason of a mistake in choosing their climate. The purchasers of estates on the Swan River were encouraged to take far too much land, and they would have been all the better for the proximity of jealous or even murderous hordes. The economical faults were in course of time corrected ; the geographical mistake was indelible. Forty years after its foundation the colony of Western Australia, which represented the Swan River settlement, was selling its country lands at ten shillings an acre, and selling about ten thousand acres a year ; but its population had not risen much above twenty thousand. It remains a monument of the ignorance which prevailed in London at the end of the Tory age about physical and commercial geography. It is famous for nothing else ; it has been without the quarrels and the crimes which make up popular history.

When it was known that the Swan River colonists were coming away in disgust, it was inferred that land had been given away too freely ; and although there was, as usual, more than one cause, the most prominent cause was, as usual, regarded with undue exclusiveness. A colony would not be strangled in its birth by the concession of great regions to the first comers, unless they were prohibited from selling it, letting it, or waiving their right to it.¹

¹ It would have been actually better for Western Australia had the first settlers been robbed of most of their land by irregular settlers. This happened in California.

A colony cannot subsist if the first comers are protected idlers. It is better founded by convicts forced to labour, than by genteel persons who reckon on being able to get things done for them if they have money. People living in modern communities are so affected in their minds by the phenomena of money that they need a rough contact with nature to get a right conception about wealth. Where there are no shops, and no lads asking for employment, they are at their wit's end.

The Swan River colonizers announced that a settler must have capital, or else they would give him no land ; they added that they would consider goods or stores as capital—as if there were any other kind of real capital ; by their way of putting it one is led to suppose that they thought goods or stores less desirable possessions in a wilderness than pounds and shillings. No doubt some pounds and shillings would have been very useful even in the wilderness, if there had been at a short distance people like the Chinese, the Bengalese, or the Malays, who would come at the call, and work for silver, with the intention of selling the silver in due time elsewhere. But the Swan River adventurer might have as well offered silver to the Esquimaux as to the barbarians then within his reach. If he could not himself work so as to get a crop by the time he had eaten up his English beef and biscuit, he had to go elsewhere to some country in which there was a demand for his coins.

Five years after the commencement of the Swan River settling, Parliament passed an Act for enabling

the Crown to establish, by the agency of Commissioners, a colony in South Australia.

There was but one division of the Commons about this measure ; seventeen members voted against it in a house of fifty. It was a Bill brought in by a private member. The Whig Ministers could take no credit for it, save in so far as its theoretical conception was a fruit of that liberation of the reasoners which they had brought about by Reform.

The design of forming methodically a colony in which land, stock, and labour should be proportioned, in which competition should be for some time restrained, in which the enjoyment of autonomy was promised as the result of growth, in which the first settlers were to be guided not by the directors of a money-making company, but by the salaried agents and emissaries of a disinterested London office, was partly an empirical following of American example, mainly a deduction from the teachings of political economy. The evil guarded against was the possession of land by nominal owners, who neither used it themselves nor allowed others to use it. The Crown, that is the Commonwealth of Britain, was by the Act empowered to use that which by the supposition needed no Act of Parliament, the prerogative, or inherent right. Its representative was to behave as the owner of a broad slice up the middle of Australia reaching from south to north, and to sell this land to all comers for ready money, at the uniform price of twelve shillings an acre. The money thus taken was to be spent by the Commissioners on fitting out and

shipping to the colony select poor families; young working people were not to go thither leaving their children behind. It was calculated that sixty pounds being the price of a hundred acres would pay for the quartering of just enough labourers to make good use of a hundred acres, and that the wages they earned would soon enable them to buy and to stock little freeholds; in buying these freeholds they would be fetching a reinforcement of needy and hopeful countrymen.¹

Thus the richer settlers would be able to live on their estates with a sure prospect of finding good hirelings to till for them or with them, to tend their flocks, to make paths and fences. The receivers of free passage and outfit would be coming to the shore like the regiments of a marching army for whom the quartermasters have gone ahead to mark out their camping ground. No convicts were to be transported thither; therefore the reward of labour would not be in danger of being lowered by the competition of those who, when assigned to masters by Government, were considered cheap labourers.²

No attempt was made to keep off other poor emigrants so as to secure employment for the 'conducted' emigrants. The two gulfs which made

¹ The northern half of this slice is said to be assigned to South Australia 'provisionally.' The colony has proved itself to be a nation or a State by making praiseworthy efforts to explore this wilderness; an excellent substitute for the wars which used to be the only signs of national life.

² It was, perhaps it is, generally believed that forced labour is cheaper than voluntary labour; the balance of proof is the other way; no universal proposition can be safely made about it.

this part of the dull island interesting to the geographer were so far from Sydney or Botany Bay as to be hard of access to the discontented children of 'Government people;' to go overland from New South Wales was almost impossible for the outlaws or bushrangers. Yet there was a fair prospect of helpful neighbourhood; for the original settlement in the East was dividing, and its first natural offshoot would be on the borders of the new artificial settlement. From the chaos called Western Australia it was separated by a dry plain which touched the sea for many meridians.¹

The preamble of the Act stated as a reason for the legislation that many people of substance wished to go and live in this particular region. It did not state either the reasons why they chose it, or the reasons why they did not go there by themselves without authority, guidance, or control. Political economy, being a rebellion against superstitious doctrines of regulation, had at first inspired its votaries with an antipathy to official interference. The most successful colonizing, such as the occupation of the Ohio valley, was brought about by private adventurers owing nothing to the funds, to the arms, or to the paper wisdom of a Government, owing to the governed communities from which they issued

¹ Mr. Eyre, whose name is kept in the nomenclature of South Australian geography, made a wonderful journey to connect with the habitable south-western places the better land of which he was one of the early settlers; the track could not be followed by anyone less hardy; there was scarcely any water, except in the leaves of some shrubs.

nothing but that inherited sense which may be called legality.¹

If *laissez faire*, or 'abstain from regulating,' was the symbol of political economy, it was now going to be set at nought. As professed by Mr. Wakefield, the designer of South Australia, the so-called science took the form of an applied science or art ; it was truly political ; it directed a stewardship ; instead of being a set of general maxims stating what actually happens in the course of business, it was a doctrine setting forth what ought to be done in shaping the channels of business. And certainly the recent experience of Swan River went to prove that, if let alone to do what seemed to their own advantage, adventurers would diminish rather than increase the wealth of their nation.

To prevent huddling together in idle expectancy near the landing-place a sort of guarantee was offered that buyers of allotments should be accompanied by workmen and followed by other purchasers. To save them from losing their way they were preceded by surveyors, and by as many poor labourers as could be brought out for fifty thousand pounds, which the Commissioners borrowed on the security of saleable land. To stop their dispersion they were told that all the unbought land was held by the Crown with unimpaired right of sale ; but that in

¹ The State of Ohio, the State of Kansas, and other States, are natural or unmethodical colonies or off-settlements, of the New England States. The word 'colony,' because of its Roman origin, is hard to sever from a sense of national design. The Greek word translated by 'off-settlement' would be suited to many secondary States of the North American Union ; not to Georgia or Louisiana.

the meantime they might use it for pasture, if they paid a rent for it. If this payment of rent was enforced it precluded the chief cause of trouble in after years ; for it checked the graziers in the usual course of encroachment on public land ; they would not be able to get a title by use ; the colony would escape, what its neighbour Victoria has undergone, a strife between a false aristocracy of usurpers or 'squatters' with a multitude of landless taxpayers.¹

It seems hard to find a flaw in the Wakefield scheme ; and it is no proof of its failure that the first governor of the colony ran up such a debt as to burden the mother country ; on the other hand, it is not proved to be sound by the fact that the colony ultimately prospered ; for its prosperity seems to date from the discovery of its copper mines ; up to 1845 it was considered 'unfortunate.' The Wakefield notion, the sale of wild land at a factitious price, on the understanding that one buys a fair chance of procuring useful workmen, has been adopted elsewhere with variations ; and those who adopted it may have been induced thereto by an opinion that it was the cause of prosperity where it was first tried. But a country rich in copper, fit for sheep, containing fields which grow the best wheat in the southern hemisphere, and profitable even though the acre yields but fifteen bushels, would have sorted its contents after a rough scramble for land ; it would have

¹ The Ricardo view of rent would not be belied by a payment of quit rent or acknowledgment rent ; it is, if limited to agricultural rent, actually verified by colonial experience ; for an occupant will not, even in a civilized part of Australia, pay agricultural rent except for a spot, found here and there, of superior soil.

thriven, after some years of disorder and suffering. It is not feasible to form new States without periods of disorder and suffering, unless they are formed by leisurely people stepping across the borders of old States.

It is on the whole a tenable opinion that theoretical legislation gave South Australia a better opening than it would have had if treated by rule of thumb. The Act which begins the history of this recent commonwealth deserves attention all the more because it was in harmony with the greater Act which amended the Poor Law. Besides their common origin in that British philosophy which owns Adam Smith for its master, the two measures resemble one another in their not being shaped by combative politicians, so much as by citizens who did not aspire to high offices.

It had been expected that, when the nation turned its House of Commons into an authentic image of itself, the majority profiting by victory would proceed rapidly to make a lodgment in the social fortress, and would gratify 'the democracy' by abolishing every privilege, by readjusting every burden, by setting rough and arbitrary spirits to tasks heretofore reserved for the good and wise. This expectation was not fulfilled by the concession to the Seniors and the Wakefields of those most precious gifts, opportunities of action. The acts of the Reformed Parliament were not like the acts of a legislative assembly following a constituent assembly, and bringing with it a set of absolute resolves. There were some, no doubt, such

as the Acts touching municipal corporations, that were corollaries of the Act which reformed the House of Commons ; but for the most part the products of the season were measures contrived after special recent inquiry, and broached either by the unaltered Treasury and the unaltered secretariates, or by private members who had no thought of encroaching upon the public offices.

LII.

LORD GREY, when he left the Treasury, enjoyed an opportunity, seldom given to a Minister, of naming a friend, not a rival, to be his successor. In doing this he appears to have accomplished a resolve matured not so much in consultation as in sympathy with his colleagues. His choice was certainly not suggested to him by anonymous writers, much less by the voice of the people. The 'people'—that is, the richer and more intelligent readers of newspapers—was not in a position to choose a Minister ; it seldom is. The House of Commons, so far from being flushed with a consciousness of predominance or assured of its infallibility, was modestly contented with the choice, not of a Prime Minister, but of its own leader ; it was so far from trampling on the 'aristocracy'¹ that it did not show any wish to

¹ The word is here used not in its proper sense denoting a form of stateholding, but in a popular loose way to denote a set of families carry-

make the Prime Minister sit on its own Treasury Bench.

There were reasons for taking a peer rather than a commoner. A peer would have far more leisure, because the peers had fewer and shorter sittings ; thus he would have more time for the task of communicating with the King. It was expedient to diminish friction between the two Houses ; and the First Lord of the Treasury would propitiate the Tory majority of the Upper House by laying bills before them in person and by mediating between them and the absolute thinkers whom they disliked. Nor would it do to leave the House of Lords to be led by its disorderly President, Lord Brougham, whom no one but the Prime Minister could restrain.¹

For all this it is rather strange that the Reformed House did not, on the retirement of Lord Grey, become the abode of the leading statesman. In looking further for an explanation it is necessary to recur to the statement already made about Lord Althorp ; he shrunk from being First Lord of the Treasury ; he succeeded in convincing his friends that he was not fit for the office. But Lord Althorp was, up to the last, preferred by all politicians to every one of his colleagues that sat in the House of Commons ; no one of them could be pushed over his head.

If, then, the choice was limited to the Whig peers,

ing hereditary titles. In this popular sense it is not the contrary of 'democracy,' as defined in § XXI.

¹ The King saw the newspapers after breakfast like other gentlemen ; but he had a right to a manuscript record of every night's Parliamentary transactions signed, if not composed, by the Minister.

why was Lord Melbourne chosen ? It was a selection made by the best-informed people, by the best judges. At the time it was not for ordinary citizens to discover the reasons ; to them the person chosen seemed rather below the standard of merit. He was not a lord of old title or of high station in a county ; he was not a happy father of a family ; he had no *femme politique* to help him ; he had not a ready smile for every guest. He was a humanist who was seldom so stirred by conversation as to show his rare knowledge and taste ; a careful student of religious books without being either an assailant or a champion of religion ; he made no pretensions to oratory, to wit, to earnestness, to expansive sympathy ; he did not even exhibit, that which has a charm for men of taste, a fine sort of dissembling, in which a man makes the worst of himself and makes the least of everything.¹


Although he had studied politics at least fifteen years, had lighted his torch at Canning's altar, had worked diligently with Lord Wellesley, and under Mr. Peel, in governing Ireland, and had held the Home Office three years and a half with firmness and sagacity, he did not behave altogether like a discreet business-like statesman ; he let his own letters lie about

¹ The female politician is a character as well known in modern England as in any European country, well known also in the United States. The *femme politique* must be something different, if, as it appears, it is a character wholly unknown in the United States. It is a product of aristocracy, but it may survive in a country which, like France, renounces aristocracy. In England the outward signs of the *femme politique* are that she is visited on Sunday afternoons during the session by Parliamentary people, and writes letters all the year round more or less in the interest of Parliamentary people.

unsealed before they were posted, and he used in official talk expletives which must have shocked the most virtuous of the many good people who resorted to the Home Office. He was not known to have framed a good Act, or to have sent a copy of a set speech to the printer, or to have spiced his letters with Latin or Greek. But when introduced, in 1828, to Mr. Peel, who perhaps had a doubt concerning his fitness for the Irish Office, he was described as 'a man of excellent understanding ;' he was in substance, not on the surface, a person of rare self-control ; to give or to take offence was a thing which he did not so much avoid as escape ; he seems to have been, beyond all modern statesmen, free from egotism ; having a poor opinion of the world he served the world unselfishly, bore its reproach without being soured, and let it wonder as much as it pleased whether he was or was not pained by its ingratitude.

The facility with which Lord Melbourne transacted business at the end of the Session of 1834 gave reason for believing that with Lord Althorp to keep the peace in the greater assembly, with Lord John Russell still holding meekly his obscure Paymastership, with Lord Palmerston enjoying his strokes and combinations, with Mr. Spring Rice at the Colonial Office displaying every force that he could muster for rivalling Lord Stanley, his predecessor, with Lord Duncannon, who knew Ireland so well, set to watch Ireland from the Home Office, he could sustain and consolidate the structure which Lord Grey's sensitiveness had more than once

weakened. In the autumn he seemed to be resting in the calm observation of things settled. There were the Irish held down by the special enactment, which, after parting with Lord Grey, the less anxious Ministers had softened. There were the Scots receiving Lord Grey with genuine ardour of thankfulness, and keeping a festival, which was marred only by Lord Brougham's intrusion. The King was fretting, but he eased his mind by an allocution addressed to Bishops, which had so much unction that it proved him, or proved Sir Herbert Taylor, to be quite at home in the headship of the Church. Lord Durham was beating against the bars of that worldly wisdom which encages youth and faith, but he could no longer imperil his party by his activity. The Radicals showed no signs of rebelling against the Whigs, although no one that was famous for a special cognizance or war-cry, no advocate of a class or of a sectarian opinion, no plebeian, not even the indefatigable Mr. Poulett Thomson, had been asked to sit in the Cabinet Council. Eagerness about political novelties was for the moment allayed ; or, if it was increasing, it was hidden from the statesmen who looked along the grooves and the fences without exploring ; it was in the taverns of artizans too clever to be content with wages, or it was in the printing-houses of Canadians, or it was in the sanctuaries of Oxford divines. Most pushing men, except Mr. O'Connell, were getting a little richer. For men of letters it was more profitable to write cheerfully for a newspaper, or dismally for a publisher of monthly stories, than angrily for



any class of malcontents. Officers of the King's forces had no chance of winning ribbons or medals ; they had to resort to scientific travelling or to civil commissions if their minds were too vigorous for routine. The leaders of practical men were the engineers ; they had got leave to climb up the layers of gravel, chalk, and clay, to pierce midland limestones, to streak with iron the sands and the downs on the way to the old harbours of the South-West ; to them flowed most of the purchasing power which had been gathered since the disappointing year of American mining ; round them were mustering the unadorned armies of pickmen who had practised digging in the canals ; before them were grouped the land agents and the family solicitors, whose glory it was to make the speculators pay heavily for touching the lands of the squires. In politics nothing new was on the anvil save the reform of municipal government, and most of the people interested in this inquiry were interested still more in the prospect of increasing their incomes by taking shares in joint-stock companies. In the way of national enterprise there was nothing but the feeble beginning of systematic colonizing, and the patient cruising which hindered the West African slave trade. The popular conqueror was called George Stephenson ; the wits and the sinews of the people were bestowed not on war against men, but on war against rocks, not on far-reaching schemes of commerce beyond sea forced on barbarians or wrung from civilized rivals, but on the perfecting of traffic between the mineral and the

cereal regions of the home island. Four years, even two years, earlier, statesmanship was the quality most in request ; but this autumn seemed hardly to need it. In the years of dispute about the balance of power between North and South, between mansion and factory, the Lords were looking about them for commanders to make terms with the Reformers ; they now cared less for a Lyndhurst or a Mansfield, since the question was how much they ought to get for letting railways come near their parks. A surgeon, who had been made a ' Sir ' for cutting a lump out of the neck of George IV., had expressed a belief, to which no doubt his scientific attainments gave some weight, that the aristocracy would be levelled if such country places as his own were surveyed for railroads ; but opinion had changed rapidly ; and it was now seen that the traders could be made to pay tribute to the idlers, that rents would be increased if one's land lay near a town which had a railway station, that there was a hope of paying off mortgages by selling slices of land, and that every plebeian who won in the gambling for shares was convertible into an aristocrat, or at least into a Conservative.¹

Such was the security about the Constitution, such was the indifference to the business of the nation, that not in the despair which affects a beaten patriot, not in the scornfulness of a fine gentleman avoiding vulgarity, but in a genial desire of a holi-

¹ There is a tradition of a Whig Duke of that age who in his lifetime paid off mortgages to the amount of 700,000*l*.

day, and with a head brimful of arts and letters, Sir Robert Peel took his family to Rome ; he meant to winter amongst the antiquaries. It seems to have been the first time that he was so free from party business as to go a fortnight's journey from London. He had been recently amused by a curious letter. For Lord Melbourne had written to him. Six years ago they had been colleagues, friendly though not familiar ; separation and controversy had by this time stiffened their form of greeting in letter writing, but there was no particular awkwardness in communicating. The Viscount simply obeyed in a formal way the orders of the King when he wrote to the Baronet ; the King wished them to coalesce. The two statesmen of course saw that it was a futile suggestion ; and the Tory was quite sincere in thanking the Whig for setting forth in a laboriously polite letter to the King the reason why the proposal could not be treated otherwise than as a sham. One might as well have asked two managers of operas to throw their companies into one theatre.¹

A king, such as William, would believe a courtier if told that it was the duty of all statesmen to make common cause for the Crown against the people ; but it would not occur to anyone else. Not but that statesmen did make common cause against common foes ; their foes were chiefly men who, from age or station, or both, had some vantage ground for the discharge of advice ; one of these was William IV., who would, at

¹ Mr. Wordsworth at one time threatened to go into exile if the Reform Bill became law.

any moment at the Council Board, or at his own or some other dinner table, break out into prophecy about the Shah of Persia, or argue for an increase of the Militia. No Radical was more apt to say things out of season, no Duke or Earl was more tempestuous. Such troubles were skilfully concealed by faithful Ministers and by honest courtiers ; they escaped the newspapers, and, till forty years had passed, they were unheard of by the compilers of histories. Writers who draw their knowledge from the ' Annual Register ' cannot do justice to the forbearance of such persons as Lord Melbourne and Sir Robert Peel ; who, considered only as they appeared in debate, are not seen to be so wise and strong as they really were. The King, when he committed the impropriety of asking Lord Melbourne to coalesce with Sir Robert Peel, meant to be quite friendly to the Minister ; he had almost taken him up as a favourite, at least in his fantasy ; he imagined him to be a tractable creature. But the nobility to which Lord Melbourne belonged was not to be caressed.¹

It is known to all that three successive Kings assumed intimacy with Chancellors. A Lord Chancellor is taken partly by luck, mainly by choice, out of hundreds of barristers, whose abilities are kept in high training ; the Bar is mentally stronger

¹ It seems that William IV. had an honest wish to help the nation in transacting its business, and made the most of such opportunities as were presented by the meetings of the Privy Council intended for ceremonial business only. Since others besides his responsible Cabinet Ministers were present at meetings of the Privy Council, it was embarrassing for the Ministers to have the King broaching topics that were not provided for.

than Parliament. Ministers are an extract of Parliament. Since the establishment of free Cabinets, and of the First Minister's sovereignty, no First Minister, save Mr. Addington, has been fettered by a King's friendship. Though less clever than some Chancellors, the Greys, and the Peels, the Liverpools and the Melbournes hold themselves up at a distance from their Royal masters ; they are more stately and formidable than the Eldons and Lyndhursts.

Nothing could be more gravely disdainful, more superb in formality, than Lord Melbourne's treatment of the King's manœuvre. It was his first transaction with his master, and it proved him to be not the facile agent, not the good comrade, that William IV. expected, but an adept in the art of saying 'no' inoffensively. Released from the peculiar severity of his first Whig Minister, the King had welcomed a successor whom he took to be plain and good-humoured and rather weak ; he found himself to be more than ever under the yoke of a party leader. The second Whig Minister, though in character inferior to the first, was in one point at least more fit to lead the party ; he was in no more hurry to resign, than to accept, office. He had, as a Canningite, gone out of office because another Canningite was elbowed out. Now that he was fixed in the composite party of Reformers he was, as a man of honour, bound to do the best for his party. He did nothing to make the King dislike him ; and he endured him just as he endured a demagogue ; he kept both alike at arm's length.

Now the King desired more power than he had, since the dissolving of his first Parliament, enjoyed. He probably believed that he was moved entirely by a sense of duty, by a wish to save the Church of Ireland. It is creditable to him that he indulged his desire without stooping to intrigue. It was for the good of the State that he made an experiment with his prerogative ; for it was time to try by experiment how much potency there was in the kingship. He was supplied with an occasion by the working of what is called the Constitution.

The British Constitution, although it seems to give every subject a fair chance of governing other subjects, hampers a considerable number of gentlemen with disabilities ; of these some are designed, one at least is an undesigned incident, the exclusion of a peer of the United Kingdom from the House of Commons, and therefore from the management of the national revenue. Britons who have not compared their own with other countries see nothing remarkable in this exclusion ; it is to them a paradox that a lord should ever regret being born to be a lord, that a peer of the United Kingdom should ever look with envy on a peer of Ireland, that a young under-secretary, who prepares himself for being a 'principal secretary of state,' should ever be vexed by his father's asking for a title without consulting him. These are amongst the curiosities of England, which resemble the curiosities of ancient Rome ; but modern England is stiffer than ancient Rome in keeping up such semblances of fate as custom furnishes ; and her sub-

missive acceptance of rules not founded on synoptic reasoning is not a remnant of mediæval habits, but a genuine bit of the legality which was not dominant till after the death of Oliver Cromwell.

The Peerage used to be a sort of office ; it became in modern times a sort of indelible complexion. The heir of a peerage, on the demise, is not compelled to take his seat in the House of Peers, but he is absolutely incapable of taking or of keeping a seat in the House of Commons. Sir Robert Peel might have been punished for emancipating the Catholics through his father ; George IV. could have made the father Baron Peel in the peerage of the United Kingdom, and the Baron's death would have arrested the career of the proudest of parliamentary burgesses. There was no waiving such a right. A vain man that wished to be called 'my lord' could, on his own natural death, inflict a political death ; a king's irrevocable gift might rob the people of its chosen leader. Long after the House of Lords had ceased to be superior in legislation to the House of Commons, the world continued to believe as if the transference of an active politician to the titled chamber was a blessing ; and most of the commoners were so fond of lords, and so ignorant of heraldry, that an Irish peer or an esquire, who 'by courtesy' was allowed to call himself by a title borrowed from a living father or grandfather, had a special advantage in competing for a parliamentary borough with esquires as well born as himself.¹

¹ There was a time when the borough of Marylebone was called

Of this customary law King William IV. took advantage. John Spencer, by courtesy Viscount Althorp, was compelled by the death of his father to become in law Viscount Althorp and Earl Spencer ; he ceased to be knight of the shire for the county of Northampton ; he could not by any sort of renunciation remain a commoner ; there was no king's grace that could deliver him from an earldom.¹

The Whigs had, under Lord Grey's influence, made the mistake of letting people think that they could not manage the representative House unless they had this good man for their leader therein. When the First Minister called on the King to ask him whether he objected to the appointment of Lord John Russell, Paymaster of the Forces, to the leadership of the Commons, the King might have said plausibly : ' If Lord John is fit for the place, how is it that he has not been mentioned to me as Lord Stanley's successor at the Colonial Office ? how is it that you pass over the two Secretaries of State, who sit in the Commons ? Are you not thrusting on me one whose chief qualification in your eyes is that he is the leader of those who assail what you know I am bound to protect, the sacred revenues of the Irish clergy ? ' But he had the wit to avoid all controversy by saying, that Lord Melbourne must abide by his opinion of the lost Althorp, the indispensable honest man ; that by their

democratic, and yet was represented by an Irish peer, whose title was believed to have a charm for the democratic voters.

¹ This legal disability of a peer is not to be confused with such a social disability as he endures when his title prevents his practising at the Bar or from being a subaltern in the Militia.

own showing the Whigs could no longer exhibit enough virtue for facing the dangerous House, that there must be an entirely new Ministry. The King hit a blot, and had his revenge for the politely disdainful answer given a few months before to his suggestion of a coalition.¹

The easy-tempered Minister had to post back from Brighton, where he got his dismissal, to London, where he had to break the news to his colleagues; it is said that his carriage was employed by the King to anticipate the mail, or to save the expense of a special messenger, in taking the letter which summoned to Brighton his rival the Duke of Wellington. The King, it must be remembered, was that Duke of Clarence whom Lord Melbourne's patron, Mr. Canning, had rescued from obscurity by making him Lord High Admiral, whom the Duke of Wellington had by censure pushed out of the Admiralty. An ordinary person, taken by the luck of inheritance, is likely to have a shorter memory, for good or for evil, than a nation.

The expelled Minister gave his bad news to Lord Brougham and Lord Duncannon, to be kept secret till the Cabinet met. But when the Cabinet met, every member had already learnt from the newspapers of the day that he was dismissed; there was not one

¹ Lord Melbourne's letter to the King, dated November 12, which the King sent on to the Duke of Wellington, and he to Sir Robert Peel, would, taken by itself without considering his subsequent oral utterances, go far to justify the King's action; no history can be considered fair which does not cite it. It was published in 1857 by the literary executors of Sir Robert Peel, and will be found in Volume II. of his 'Memoirs,' page 21.

of them, not even the betrayer of the secret, that deserved such an indignity. A Whig newspaper hastily commented on the stroke of State by imputing it to Queen Adelaide. This made the King angry. When a person of inadequate understanding acts harshly, he finds it easy to pick up a grievance which distracts his thoughts from his own unkindness.¹

Whether the Queen or anyone else advised the King to discharge his 'servants' is to this day unknown. Parliament has a heart full of indulgence for monarchs; and it pretends that a Minister is answerable for every Royal whim. The retiring Minister could hardly be, by any stretch of Parliamentary fiction, called to account for his own dismissal; but the spirit of sham was in due time appeased by Sir Robert Peel's assuming the responsibility. Yet nothing is more certain than that Sir Robert Peel was wholly guiltless of the palace revolution. Even at the time, even when in the freshness of their vexation, the Whigs were not wroth with him. However, he did subsequently sanction the King's deed, having the King's reasons before him; and to so high an authority, to so judicious a mind as his, it is due to examine the argument of which he approved.

The King's plea was reported to Sir Robert Peel by the Duke of Wellington. It is in two branches, each subdivided. He thinks that the Whigs will not be strong enough, and that their policy will be

¹ Lord Russell, in the introduction to his speeches, names the two. Molesworth's 'History,' written under Lord Brougham's auspices, omits Lord Duncannon.

unsafe. They will not be strong enough in the Commons, because their only sufficient Commoner is lost to them, turned into a peer ; they will be hopelessly outnumbered in the Lords. Their policy will be unsafe, because they will propose to withdraw the stipends of the Established Clergy in whose parishes there shall be found, by the Commission, no resident Protestants. The dangerousness of this policy will be manifested certainly by the resignation of Lord Lansdowne and Mr. Spring Rice, who will go against their colleagues on questions about the Irish Establishment. In the midst of these predictions is found one which cannot be reduced under the two heads ; the King thinks it likely that some of the Ministers will vote in Parliament for proposals about the Irish Church to which he objects.

One would think that Sir Robert Peel, if merely critical, would say to this plea : ' It is rash to foretell that the Commons will be found intractable if led by some one else after Lord Althorp's departure ; no one that the Whigs select is sure to get into scrapes with the Commons ; the Reformers followed Lord Althorp last session after his getting into more than one quagmire ; even if they break away from his successor, the King's Government will not be shattered ; the failure of Reformers will increase the authority of Conservatives. The Whigs are not weaker in the Lords than they were before the late Lord Spencer's death ; the new Lord Spencer will continue to be a Whig, and will help his party in the Upper House. There is no proof that Lord Lans-

downe and Mr. Spring Rice will leave the Cabinet because the Irish clergy is threatened with the loss of stipends ; even if they do, the King can reign without employing them.' The critic would pause before assenting to the King's claim of a right to turn out Ministers as a precaution against their proposing evil measures ; but after pausing he would assent. And it is at this point that the Tory differs from the Whig. There were Tories in the autumn of 1834, Tories fit for government. Up to that time the nation had not ruled against the King's right to forestall Ministers.¹

The founder of the modern Conservative party justified, by the acceptance of office, the King's attempt to stop the evolution of parliamentary energy, but yielded in 1835 to the nation's ruling against the claim. It must be held now by all Britons who aspire to office that, having once consented to the appointment of a Minister, the King cannot be supported in dismissing that Minister on the mere surmise

¹ Lord Russell points out that, since Lord Melbourne became First Minister, there had been nothing said in the Cabinet about the Irish Church. The secession of two members must have been a matter of mere conjecture at Court. The subsequent adherence of Lord Lansdowne and Mr. Spring Rice to the second Melbourne Cabinet shows that they were not desperately bent on maintaining Protestant clergymen without congregations.

Sir Robert Peel's Memorandum, written long after the affair, agrees with Lord John Russell's still later retrospect in judging that the King should have waited for the dissensions of the Melbourne Ministers, and that he made a mistake in refusing the leadership of the Commons to Lord John Russell. But at the time Sir Robert suppressed these opinions ; he acted on the Duke's principle ; he obeyed the King's orders. This is Tory loyalty, to obey the King when one thinks he is making mistakes. Yet all questions about human conduct are questions of degree. There are mistakes of sovereigns which others besides Tories condone.

of a dangerous tendency ; he must wait till a measure is framed, and, when it is laid by the Cabinet before Parliament, he must abide the issue of Parliament's voting.

In accepting office Sir Robert Peel did the best for himself—the best for his party. Incidentally he screened the Court from vituperative resentment ; but he was very far from confirming the Royal prerogative.

Sir Robert Peel was at his inn, going to bed after a feast in a Roman banker's palace, and meditating a journey to Naples, when Mr. Hudson, a young courtier of Queen Adelaide's retinue, brought him a note of personal commendation, written by Sir Herbert Taylor, and explained to him, no doubt with that pure sagacity which twenty-five years afterwards made Sir James Hudson a perfect Envoy, the circumstances of the King's most kingly action. From so sensible and so honest a messenger, he could not fail to learn what impression the Court had received of Lord Melbourne's demeanour ; and it may be imagined that he was emboldened by discovering that Lord Melbourne had first, in writing, made it easy for the King to supersede him ; and had then, in talking, behaved rather like the friend of ambitious Ministers, than as, himself, a lover of power. But the Court was probably under some mistake ; for the Duke of Wellington wrote from Brighton, where the Court was, to tell the statesmen whom he was summoning to London, that all the Whig Ministers were 'delighted to be relieved' of office. It is clear that

the Duke's good sense failed him on November 14, 1834, when he wrote, that he was 'not astonished' at the readiness of the Whigs to go out. These are weak words : ' If they had remained in office till a difficulty should occur in Parliament, the King could not have allowed them to quit him. This is the reason for which he is in such a hurry to get rid of them now, and to dissolve [Parliament]. I don't think that we are at all responsible for his quarrel with them ; it was an affair quite settled when he sent for me.'

The dismissal was no doubt rendered easy by the known promptitude of the Duke ; his conduct in 1832 pointed him out to the Court as one whose temperament, and whose theory of monarchy, qualified him for a rash occupancy of place.

For the second time he was braving the Commons, defying the modern principle of a respect for a legal majority, and allying himself with the hungriest of politicians, Lord Lyndhurst. He showed a want of good taste in helping the King ; for having been made, by the 'kissing of hands,' First Lord Commissioner of the Treasury, he forthwith obeyed the King in sending to the Secretaries of State for their seals ; the Home Secretary was in church when the messenger came to demand the surrender ; Lord Holland, whose seal was not absolutely necessary for the conduct of national affairs, laughed at the peremptory assailants, and told them that he had left his seal in Lancashire, the Duchy of which he was Chancellor.

The Duke took the seal of the Home Secretary,

and applied it to documents left ready in several offices, which would not bear delay. By a figure of speech the Duke, holding one Secretary's seal, with Lord Lyndhurst holding the great seal, was said to govern the country for a few weeks. They really gave the final touches to affairs settled by permanent functionaries. They appointed a few politicians to subordinate places, but on the understanding that they were to resign them when Sir Robert Peel took his place.¹

The Duke's modesty was shown first in refusing to be the maker and head of a Ministry, then in abstaining from every act that could bind the friend for whom he acted ; and yet it was easy to satirize him as a glutton for places ; on the surface he was rude, at heart faithful and unselfish ; he ran the risk of being thought to have conspired with courtiers, yet he escaped the suspicion ; he resumed in one hasty letter his intimacy with Sir Robert Peel, but with no airs of patronage, no laboured avowal of motives. He sent other letters to meet the traveller on the way home through France ; in one of these he sent him a list of the men who within the first fortnight were claiming honours as partizans ; it comprised those who wished to be in the Cabinet, those who would be content with places in the Royal Household or in the Privy Council, those who aspired to diplomatic, legal, or judicial offices. This paper was drawn up merely for information, and the

¹ He could not get it from Lord Brougham till November 22, a week after the King named him as Brougham's provisional successor.

reader must have found it amusing on the journey ; it is hard upon common people that such a list is never printed in memoirs. The only name given by the Duke is Lord Stanley's ; but Lord Stanley was one for whom others, not himself, preferred a claim to office. It would ease a natural curiosity, if it were revealed, whether appointments were asked for by Tories who five years earlier had quarrelled with the two leaders about the Catholics, and by Tories who in the Reform struggle were too fervent to please Sir Robert Peel.

The King's messenger, though he travelled as if the fortunes of the realm turned on his speed, could not deliver his message till the tenth day. The summoned politician took fourteen hours in answering the King and the Duke, in getting from the Pope his passport for leaving Rome, in turning his wife's baggage from the Naples road to the road homeward ; he let Mr. Hudson go ahead of him and announce his coming. He struggled with hindrances in the effort to 'obey the King ;' so fine a sentiment was then thought necessary to adorn a man's plainly natural eagerness to grasp an unique opportunity ; he was stopped some hours by a torrent that cut a post road in Central Italy ; he took a night's rest in the beautiful valley between Turin and the snows ; at Lyons he was detained a night because there were tumults, and the chosen ruler of England had to submit his passport for the approval of a French soldier who was keeping that terrible city in a state of siege ; at Macon, the home of a French poet, who was to be some day

called suddenly to govern, his meditations were lighted up by a second letter of the Duke's telling him that the King was in high spirits, his expelled Ministers 'sulky enough,' his people quiet and satisfied with the change; he spent eight winter nights on the road in a carriage; he reached London on the thirteenth morning, went first to the King, accepted without haggling about terms the fullest responsibility and the utmost freedom in the making of a Ministry, and on the same day drew up a paper which it was not easy to compose, an invitation to Lord Stanley to join him on the footing of a principal subordinate.¹

In his review of this singular journey he says that it gave him ample leisure for considering his position. It may have occurred to him, but he was too strictly parliamentary to indulge such a thought, that the surprising call, and the twelve days of sequestered life, the abrupt transition from art and observation to business and design, the trust placed in him by the most eminent and experienced British subject, the submission of the people to the will that chose him out, made him something like a prophet, something at least more lofty than a party leader.

That reserve which two years before looked to some of his friends an excess of prudence seemed now to be justified; he was now free to call or to neglect some vehement partizans with whom he had then declined to act.

¹ It seems to have taken as much time to fetch Sir Robert Peel from Rome as it took forty-seven years earlier to fetch Mr. Fox from Bologna, when he was summoned to help the Prince of Wales and to become his Minister under the Regency then expected.

Having shown no taste nor any distaste for popularity, having lived before Parliament without inventing a special posture, having been seasonably combative and seasonably tranquil, earnest in checking his rivals without being quick to pounce upon their mistakes, studying most of the legislative questions without fastening on any one subject as peculiarly his own, profiting by the lessons that reasoning Liberals taught him, yet not acknowledging them to be discoverers of methods unknown to his own school of policy, he had reached a dignity, a completeness, a mastery which it was impossible to disparage. At this level in his forty-seventh year, when great men make way for him and busy men welcome him, and young men wait to be called round him, not in passion but in cheerful acquiescence, he resembles not so much the Pelhams, the Pitts, or the Cannings, as the typical Romans Scipio and Augustus ; there is a certain charm in the superb ambition of a Roman, and it is noted as a mark which Sir Robert Peel set on himself.

He had reckoned up his followers, and he could think of only one hundred and thirty members of the House of Commons on whom he could rely, less than one-fifth of the House ; others counted for him as many as a hundred and fifty. He undertook to form on this company a sufficient body of supporters, partly by conciliating some temperate Reformers, partly by displacing Reformers of all kinds and substituting Conservatives.

He might have begun the session of 1835 with the

existing House ; to Lord John Russell it appeared, at least on a distant retrospect, that this was the better course. For Mr. Pitt had acted thus in 1784. The analogy was specious ; but Sir Robert examined it and threw it aside. He bore in mind that Mr. Pitt had the advantage of contending with Mr. Fox and his party when they were in a false position ; since Mr. Fox had, to get office, struck up a sudden friendship with the very man, Lord North, whom he had persistently reviled ; he was aware that no such error had damaged the characters of those whom he had to encounter ; perhaps he foresaw that in order to outvote him they would have to combine with politicians whose friendship would damage their character ; he would in the long run get as much good as Mr. Pitt out of an odious coalition.

To this argument against the analogy he added, in the review of his conduct, that the three weeks in which he could not act, had been a time of eager bustling in the clubs and the agencies which managed parliamentary elections. The Duke of Wellington, however scrupulous in keeping for him the feast of ministerial business quite untasted, had taken for granted that there must be a new Parliament ; and many Tories would have been disconcerted by finding that they had framed sentences for the voters to read, and hired attorneys and canvassers, in vain. The new Minister had studied English history, and felt that the Crown provoked resentment by frequent dissolutions ; Charles I., by dismissing one House after another, made his reign bitter to the gentry ; it

was not quite convenient that William IV. should in less than five years have four Parliaments ; but here, again, there could be no solid resemblance.

It was perfectly fair to say to the tenant farmers : ' Two years ago you voted for Lord Althorp's followers ; they have lost their guide and they are at fault ; ' and to the ten-pound householders : ' You trusted Earl Grey ; does it seem to you a matter of course that you should trust this successor of his, this odd Lord Melbourne, who cares for nothing ? ' It was even politic to gratify the new possessors of the franchise by consulting them after two sessions ; they must have recovered their appetite for such game as candidates. Two years seem a short time for getting tired of prosperous virtue ; but if there was a democracy in Britain why not try whether it would throw over the reforming Whigs ?

The Minister, as he spoke, with imperfect sincerity, of obeying the King, spoke also in a conventional way of a ' crisis ; ' it seems hard for politicians to avoid the word ' crisis.' There was as little danger that winter as there ever was in the British Islands. Such things as Lord Palmerston's seat as knight of a shire were in danger ; nothing threatened his treaties.

The Irish Clergy or Church was menaced, but no one, not even Lord John Russell, was irrevocably engaged in assaulting it. The Bishops of England and Wales had been subjected to a royal allocution, but they were not seriously discomposed. They could preserve game, or cut down timber to pay for

furnishing their castles, just as if there had never been a pamphlet written against them.

All over the country there were men old in years, or old before their time in heart, who had a fumbling dread of the human reason. Disappointment and the world's benumbing spells were estranging many, who lately were Reformers, from argumentative progress. Those that had pledged their lands, those that had inherited fixed charges with variable rents, had cause to shudder at the thought of a Poulett Thomson railing from the Treasury Bench against the Corn Laws. It was still thought somewhat brutal to enjoy the growth of commerce, and a Royal Speech would be a profane thing if it made no mention of agricultural distress.

These fixed elements of Toryism could be combined easily enough ; a Goulburn or a Herries might effect the proper mixture of jealousies and apprehensions ; a Lyndhurst or an Ellenborough could, without swallowing the draught of fear, profit by the established passion ; and also by the 'fickleness of democracy.' These were the inevitable subalterns of Sir Robert Peel, and he employed them with perfect confidence ; but he said things to the nation which they did not know how to say, and his promises were sure to win the favour of many of the more generous citizens. He proclaimed a sort of amnesty. He declared Reform to be irrevocable. He embraced without misgiving the lately enfranchised towns. He turned his back on those who, so lately, had thought to govern through patronage in defiance of argument.

He did not feel, neither did he simulate, any doubt as to the possibility of managing the nation's affairs with constant rendering of account to the nation's representatives. He declared, more distinctly than the Whig Lords, that the spirit of the age compelled all patriots to inquire into every alleged wrong, to explore all leaks and dislocations. It was the easier for him to step forward as a competing Reformer because in the past session the Whigs were less urgent and the Tories were flexible or actually helpful in constructive legislation. After the patriotic treatment of the new Poor Law it was far easier, than in the Liverpool times, for Church and State men to hunt for curable evils.

The Tory Lords had no doubt taken a good deal of unwholesome refreshment in the use of their veto ; such behaviour as the rejection of the Bill for Local Courts of Justice was as perverse as any of the negatives inflicted, in Percival and Eldon days, on wise projects. But their dealings with the Poor Law showed that they were improving in character, and their education was likely to be quickened when, instead of having a Brougham on the Woolsack to bait, they had a Lyndhurst for their president. Toryism was sure to be taken in its mildest form, when the party balancing itself precariously in the Lower House needed all the support that the Peers could by moderation furnish. Even a Mansfield would smooth his tongue, and a Philpotts retract his claws, for fear of giving offence to Whig squires. Nothing was easier than for a Tory, when his friends were in office, to forget his free

prophesying, and cork up the vials of woe. Lord Eldon, it is true, sat up to midnight in the little room which, after a recent fire, harboured the Peers ; he was supported against the fatigue and the bad air by the venerable trick of dreading a revolution ; but he was apparently the only Peer left that could work himself up to a sense of terror. This vain man's benediction was piously asked for by the Minister who had seen him superseded, but had escaped quarrelling with him. He was propitiated by an offer of the Attorney-General's place to Sir Charles Wetherell, his disciple ; but this incendiary lawyer had no seat in Parliament, and was not so ambitious as to struggle any more in an age which was slipping away from him. Of the other hot and false heads that had been set against modern policy, one, Mr. Sadler, the assailant of the Economists, had been kept out of Parliament by sensible voters ; another, Sir Richard Vyvyan, sat for Bristol, but was, apparently, slighted by the maker of the new Government. Mr. Croker was not recalled to the Admiralty. Mr. Praed got no reward for his speeches against the Reform Bill. So it seemed as if most of the inflammable vapour that rose from the marsh of prejudice was burnt out.

The Minister was conscious that there were but few men to be had that were fit for office. This admission implies a certain sterility in the nursery garden formed so carefully up to the last four years by the aristocratic owners of boroughs.

The Duke of Newcastle supplied a burgess for Newark, who was, partly because he had been known

as a boy to Mr. Canning, partly because he had done well at Oxford, partly because he was born in commercial opulence, designed for the profession of a statesman ; and Mr. Ewart Gladstone, as the 'Gazette' calls him, was made a Lord of the Treasury, and then Under Secretary for the Colonies, at the age of twenty-six ; he may be reckoned with equal correctness amongst the remnants of the old, and the firstlings of the new, growth.

Rather to make up for the past than to provide for the future, Sir Robert Peel wrote to the widow of Mr. Canning to ask whether she would let him have her son, a very young man of no conspicuous force, to train for a political career ; this lad, destined to a nobler task than his father ever fulfilled, demanded more time for choosing a set of opinions. In later years, when he entered a Liberal Cabinet, he was found singularly firm or hard to talk over ; by prudent delay he had escaped that premature admission to the tenure of a creed from which Sir Robert himself had derived more harm than good.

Looking to elderly men who had not yet been in a Cabinet, the dispenser of patronage could find no man more fit for council than Lord Harrowby, who, but for weak health and its effects on temper, was thought to be qualified for the highest office ; he asked him to sit with five bishops and four laymen in a Commission which was to inquire into the English Church. He gave a place to the converted Scottish Whig, Lord Rosslyn. Failing to win over Lord Ripon, he appointed to the Admiralty an Earl de Grey, con-

nected with Lord Ripon ; and in France there was some surprise expressed by observant writers, who thought the Tories had taken into their employment the chief Whig, Earl Grey. Two men who had figured in the struggle against Reform, Mr. Alexander Baring and Lord Wharncliffe, joined the survivors of the Wellington Cabinet, who claimed their dues and were not wholly contented. A squire of Kent, famed for plain speaking, Sir Edward Knatchbull, who had quarrelled with the Wellington Cabinet for befriending the Catholics, became Paymaster of the Forces ; he had formerly declined a place offered him by Lord Grey.

There was a little scoffing at the return of the Wellington Cabinet with so few novelties ; for the Londoners expect new secretaries, like new tenors and basses, when the management is changed. The real change was not on the surface ; it consisted of new intentions. Of the returning Tories, at least two, Lord Aberdeen and the Duke himself, purposed to be like their new chief, and to be unlike the Sidmouth and Bathurst men. They became Peelites ; the word was not yet in vogue, but it is wanted here ; it expresses the submission of dry and stiff minds to a plastic mind, and the profession of a desire to look out for every occasion of doing good instead of waiting till one's sleeve is pulled by an importunate beggar.

The Duke, becoming single instead of three-fold, undertook the Foreign Office. He was congratulated by the absolute sovereigns of Eastern

Europe ; at home, there were Liberals so quick in judgment as to make sure that he would indulge his own tastes by trying to upset Leopold in Belgium and the two little girls in the Peninsula. Some such things he might have allowed to pass before his vision had he taken office in 1832 ; it was now necessary for him to leave the Western Courts undisturbed, and to adhere to the engagements which Lord Palmerston had made for his Britannic Majesty. He placed his brother, Lord Cowley, on the embassy at Paris. To Vienna, still ruled by his old acquaintance Metternich, and enlivened by a Ferdinand's taking a crown on the death of a Francis, he sent as a ceremonial Ambassador his kinsman Sir Charles Bagot, who was famous for professing to take three hours for dressing himself. He found a vacancy in the embassy at St. Petersburg, where a man of tough mind and hard to live with, Mr. Stratford Canning, had been declared by the Czar unacceptable as Ambassador. The Duke tried to fill the gap comfortably ; therefore he chose a soldier who had been saying that the Poles deserved all that they suffered ; this officer had held for several years in the Peninsular War one of the highest administrative appointments under the Duke, had been Ambassador at Vienna for a still longer time, and had always satisfied the Duke not only by military efficiency, but by accuracy in giving him such information as he wanted about Austrian affairs ; but his original and abiding claim for office rested on his being the brother of the great Lord Castlereagh, his heir in the Marquisate of Londonderry.

There was reason to hope that this person would be welcome at the Russian Court; and it might be argued that it was better to have him there than to have no one at all accredited to the Czar himself. All real business between the two States could be transacted at the Court of St. James, to which the Russians would send a diplomatist of the first class, so soon as the English sent them an Ambassador of some sort. As long as the British Government had only a Minister at St. Petersburg, the despot Nicholas, who was certainly the most wilful and explosive man in the world since Bonaparte, would be inconveniently remote; there would be no British eyewitness as to his highly important personal demeanour. Since the barbarous giant would not let himself be approached by Mr. Stratford Canning, of whom he was probably, not without excuse, afraid, it would be as well to empower a veteran of inoffensive courage to hold interviews with him. The Marquis of Londonderry might be trusted to give a faithful report of frowns, gestures, and religious interjections.

This arrangement was spoilt by the Irish orator Mr. Sheil, who said that the Irish Marquis was perhaps qualified for making speeches in the Irish county of Down, but not fit to be a diplomatist in Russia. It is a matter for speculation, not wholly idle, how Ireland would subsist as a State if it were separated from Britain and continued to breed Sheils and Londonderries. However this may be, it is probable that the Marquis would have done better at

St. Petersburg than his first assailant ; he would have attended reviews of troops, and said correct things about the manœuvres ; he would have held his tongue about Warsaw. Mr. Sheil's notion was, that the Ambassador was to be at St. Petersburg, defeating by vigilance and by threats the contrivances of the Russians in the narrow waters of Turkey, on the frontier of Persia, and in the European Courts. There is no proof that envoys superior to Lord Londonderry have at any time been able to act from the Russian capital with such radiation of force.

Sir John Hobhouse, a Radical, destined to become an actor in a venturesome movement against Russia, asked Sir Robert Peel, who defended the Ambassador's nomination, whether he meant to cancel the appointment ; he was answered with a lofty negative. It was one more flash of pure Tory light, when the Duke of Wellington in the Upper House said the Commons were infringing on the prerogative. The Commons in point of fact did not vote, as they might have voted, an address to the King against his choice, that is, his Secretary's choice, of an Ambassador. The Tory Marquis, who had been more than once assaulted by a mob of Reformers in London streets, and was believed to have spent much money in helping Conservatives at the late election, rendered the last service to his party by declining the embassy ; and Lord Lansdowne assured him, after he had announced this resolve, that the Whig Lords objected to his appointment only because of his having spoken in the Upper House against the Poles.

So gently did the skilled politicians deal with the blundering promotion of a brave, unwise veteran, bearing a glorious name.

The Earl of Aberdeen had been Foreign Secretary under the Duke of Wellington ; he was now Secretary for the Colonies ; it was the lower place of the two, but in the first few years after the Reform Bill passed the Colonies were a very hard team to drive. The Earl escaped the greater difficulties, because the Peel Cabinet lasted so short a time ; but he had something to do, and he now showed, twenty years after beginning public life, that he was generous and enlightened. On August 1, that is, four months before he took the Seal, the negroes of Jamaica became freemen with rights ; these rights were to be there, as in the British Isles, maintained in courts of law open to all. The British lawgivers had thought it not quite safe to leave the magistracy in the hands of the white planters ; they might be partial to white men ; the Act which set free the blacks gave power to the Government of the Colony, subject to the Secretary of State in London, to appoint paid magistrates, presumably lawyers, instead of the unpaid justices of the peace. It was somewhat uncharitably assumed that Lord Aberdeen would favour the planters by leaving the magistracies to their class or to their friends, and that he would recall the Governor of Jamaica who had been appointed by the Whigs. An attack made on him in the House of Commons by Lord Grey's eldest son might have passed without notice ; but in his

own House he was called upon by a Whig who knew Jamaica to explain his dealings with the planters ; accordingly he spoke with a new sort of warmth and candour, saying that he had on entering his office made it his first object to help towards the execution of the Legislature's design ; and had done everything he could to help the Governor of Jamaica in resisting the unreasonable wishes of the planters.

Here, then, was a plain case of a Conservative Minister heartily working out a measure which to him and his friends had seemed too perilous. It was not mere acquiescence, but a resolute pursuing of bold, kindly, and rational policy. Here was a most salutary change in the spirit of statesmanship. The modern British Minister who sets himself with perfect goodwill to the official completion of a project which, before taking office, he has viewed with misgiving, is a better and happier man than the Foxes and Pitts of other days, than the Guizots and the De Broglies of modern France.

The nobleness of such conduct as Lord Aberdeen's was, incidentally, most profitable to his party ; for his party could thrive only if flushed with a reinforcement of generous youth ; and no such recruits were likely to come to it if it dealt grudgingly with the legal freedom of negroes. It was by this time a point of honour for the Britons to uphold the personal liberty of all human beings. In the year 1828 there were in the Tory Cabinet not more than two men, Lord Palmerston and Mr. Peel, that were seriously concerned about the fate of the Greek captives brought

to Egypt for sale. Seven years later no aspirant to Cabinet office would be indifferent to the wrongs of dark-skinned dwellers in the West Indies. Twelve or ten years before Lord Aberdeen entered the Colonial Office the growers of sugar could make sure of spirited pleading, obstinate voting, and safe majorities in a parliamentary contest with evangelical teachers ; but when Lord Mulgrave spoke for the Jamaica missionaries the Secretary of State met him half way, and expressed a simple wish that the preachers of the Gospel should be honoured and supported in guiding the blacks towards the hazardous enjoyment of complete liberty.

These two conversations, one on the St. Petersburg Embassy, the other on the negroes and missionaries of Jamaica, lighted up the half-session of Sir Robert Peel's rule with torches handed on by Liberals to Conservatives ; they showed that the Foreign Office under a Tory durst not profess sympathy with the Czar against Poland, whilst the Colonial Office was wholly won over to the benevolence and righteousness of the Abolitionists.¹

For the rest, the debates were interesting only so far as they displayed the skill of the two party leaders in the representative House. The First Lord

¹ The permanent Under-Secretary for the Colonies, Mr. James Stephen, was by this time rising into power ; he came from the set called Claphamites, and he was as faithful to their principles as a permanent officer under Parliamentary Secretaries could be fairly expected to be. The esoteric history of the Colonial Office, if shaped from his documents and the memoirs of some other under-secretaries, would be instructive, and in the main pleasing, though the department was for many years beset with assailants.

of the Treasury, being also Chancellor of the Exchequer, grasped with two hands every opportunity of replying to critical adversaries and independent supporters ; his modest lieutenants had scarcely a chance of distinguishing themselves. There was in him so much dexterity, so much downright challenging and defiance, such a stock of knowledge, such plain dignity of speech, that, whether he was trying to save the Speaker's chair for Mr. Mannors Sutton, or half sheltering, half exposing to censure, the military governor of a dockyard town charged with abuse of authority, or protecting the revenue against the farmer's friend who asked for the remission of the Malt Tax, or confronting Mr. Hume when he threatened to vote supplies for three months only, he never exhausted the admiration of his followers or embroiled himself in a sour squabble with Whig, Radical, or Repealer. He submitted to many little majorities ; sometimes there were as few as seven, sometimes as many as five-and-twenty, in the Opposition force, in excess of the Treasury muster. To escape one of these defeats he named a Whig for the salaried office called the Chairmanship of Committees, which is a sort of lesser Speakership. He put off the framing of Bills on some dangerous questions, excusing the delay most plausibly by saying that he was waiting for the reports of Commissioners. His own Commission for inquiring into the better distribution of English Church revenues, in which he had a seat himself, reported in March, providing materials for a Bill ; during the

two months between its appointment and its report he had corresponded with at least two Bishops, persuading them that it was right to take wealth from leisurely cathedrals in order to support laborious vicars in crowded parts of middle and northern England.

In adjusting episcopal regions or dioceses, so that none should be too great, he really acted on the same principle as that on which the Whigs had acted in Ireland, when they were providing that no diocese should be too small. Ecclesiastical divisions of land would, if reason were paramount, be shaped by the sovereign power in much the same way as the circuits of judges of assize, or the districts placed for military purposes under generals. But the nineteenth century, though generally supposed to be audacious, was much more tender and affectionate than these middle ages, which had a charm for its sons; archæology and local spirit broke out amidst the reforms, and the wild sentiment of race gave yet a third impulse. So it came to pass that the founder of the liberal Conservative party, whilst arranging with his brother Commissioners for the proper government of the clergy, stumbled on a difficulty. He gave offence by proposing that the Principality of Wales should cease to enjoy four Bishoprics; it was thought by the Commissioners that two sees in North Wales might make one see of the right size, and that one of the two sees in South Wales might be merged in the English see of Bristol.

By thus abolishing two episcopal thrones two

enormous English dioceses might be split up, and two old town churches turned into cathedrals. For the Church Reformers, rational as they meant to be, were cramped by two notions : first, every Bishop of England or of Wales must, they thought, have a peerage for life, and yet the House of Peers must not contain more than twenty-six prelates ; secondly, the itinerant clergymen set to oversee the parish clergymen must have a chair, where he had his ' see,' in a handsome and ancient church ; although the cathedral or throned church was regulated by a dignified clergyman called a Dean, who was wont to look upon the occupant of the throne rather as a guest than as a master. In course of time the well wishers of the Establishment modified these two hindrances ; they kept the number twenty-six as immutable as any of the sacred numbers in which mankind delights, but they hit upon the device of making a new prelate wait outside the House of Peers till a brother prelate died ; they clung to the rule, that an overseer of parsons must have a solitary and conspicuous place of worship in a fabric of some grandeur, but they gave up the rule about the Deanery, and allowed people to found in England, as in the Colonies, Bishoprics without Chapters. In England there have been considerable, almost sufficient, reforms of the Episcopate ; they were begun by the Peel Commission ; in Wales the four sees, of which three are undersized, have been preserved in spite of the Peel Commission.

Besides the sensible advice of the ten Commis-

sioners, the Conservatives projected, but had not time enough given them to effect, two bits of legislation on Church matters. They asked Parliament to sweep away about four hundred little courts of law which had a decaying jurisdiction in such things as disputes about matrimony, and wills or testaments. Sir Robert Peel declared that there ought to be no such thing as a judgeship with a salary and no duties ; and the Primate, as soon as it was explained to him by a Conservative lawyer that the bill would deprive him of patronage worth 10,000*l.* a year, assented as readily as if he had sat at the feet of Jeremy Bentham.

It was about this time that Sir Charles Wetherell, turning aside from such work as the framing of '*ex officio* informations,' and the advising of the Cabinet on points of international law, was gazetted as '*temporal* Chancellor of the county palatine of Durham ;' from which title it may be inferred that there were *spiritual* Chancellors. These Chanceries have never forced themselves on the attention of the press or of Parliament, in so far as they are held by learned laymen. and have emoluments attached to them. They are of some importance, since they fasten the clerical system on to the family system, and make it somewhat harder to uproot the Establishment. But the sinecures granted in former, but still recent, times by Bishops to their kinsfolk, were so scandalous as to endanger the Establishment ; and the first generation of liberal Conservatives did the best for the Church by purging it of such a taint of falsehood and covet-

ousness. To abolish Ecclesiastical Courts of Law in England would be a task for the unfettered lawgivers whom a great revolution, as in France, brings into brief power ; if it were done, the liberal Conservatives, that came back to power after the brief period of severe rationality, would probably decline to restore what had perished.

With the same motive, zeal for the Establishment, the Peel Ministry endeavoured to provide for the correction of spiritual persons if they did wrong. It was of course in an ordinary court of law that a clergyman, or, as for these purposes he was called, a 'clerk,' was arraigned for an ordinary offence ; but he was bound to a stricter life than a layman, and he was required to do and speak in conformity with the rules of his profession, so that he required for his correction a special judicature and procedure. If he spoke slander, or published a libel, he was amenable to the same magistrate as a layman ; if in the pulpit or at the holy table he fell asleep from excess of drinking, he was liable to punishment, to which a layman similarly sleeping in a pew would not be liable, and for such an unclerical infirmity it would not be decorous to call him before a justice of the peace. If he used words in the market-place in talking of religion which tended to give pain to neighbours, he would be indicted for blasphemy like a bookseller or a poet ; if he preached against the Articles of Religion drawn up under Queen Elizabeth, he would be tried by special judges that had no jurisdiction over Hones and Shelleys. This being so, there must remain the

question, whether the clerk shall be tried for clerkly offences by judges who are in holy orders, or by lawyers deriving their authority from Bishops, or by a mixture of the two kinds of judges; a fourth alternative, by which the judge in a clerical trial should be a lawyer appointed by a Minister of the Crown without the concurrence of Bishops, has been hitherto thought to be out of the question. Up to the present time it seems agreed upon by all, that a 'criminous' or an heretical clergyman is not to be left to the mercies of his spiritual overseer; a Bishop is to his clergy rather a prosecutor than a judge. The wisdom of two professions has been brought to bear for nearly fifty years on the discipline of the clergy; and the only certain result is, that Bishops, whose whole lives hang on tenterhooks, are the constant sufferers from all efforts made to keep priests in order.

It was the burdensome honour of English rulers to have to interfere with those teachers of religion who, provided they obeyed the King with the Parliament, were protected in the enjoyment of high advantages. These teachers were looked at with envy by men similar to themselves in duties, unequal to them in social position. To the Dissenters Sir Robert Peel, departing from Tory practice, paid a respectful attention, which was probably as sincere as a scholar's and a statesman's feelings towards men of unction have ever been; he had just been resisting their very reasonable claim for admission to the English Universities, but he had shown that he was

as willing as Lord Althorp to relieve their consciences in the matter of Church Rates ; now that he was the recognized lawgiver, he offered them graciously and persuasively a handsome accommodation in a part of the law which they did not like, the law of marriage ceremonies.

Why should the State interfere at all with marriage ceremonies? The modern State may be, as a matter of history, said to interfere with these as with other affairs because it has found the Church abusing its customary or traditional right of managing them. Apart from the historical explanation lies the rational theory of the thing ; and it is rational to say that, if there had never been any religious custom of marriage celebration, the State nevertheless would do well to determine what words spoken and written should create the mutual promise called marriage, what sort of witnessing should follow the promising, what record should be kept of the attested contract. As the State of Scotland, with less than its wonted prudence, ordained that a contract, binding two human beings for life, might be made by the use of a few words said by a lad to a girl in what the lad thought was a mimetic game, so a State may some day arise, which will enforce a matrimonial bargain, if concluded by telephone and recorded by phonograph. The State undertakes, in consideration of some surrender of natural freedom, to see that certain covenants be enforced ; it judges for itself how much publicity and solemnity are needed, what precautions are to be taken against future doubts, what special

payment shall be made to itself or its officers for the certainty which it warrants.

Publicity, deliberateness, and certainty are all that the lay power contemplates in the form of marriage. But that older power, which it is convenient in Europe to call the Church, though it is much older than the Church, has aimed at something else. At one time the Church called matrimony a sacrament ; and as 'sacrament' properly means 'oath,' or promise of fidelity, the word is suitable enough in its etymology ; but in its use it implies an occult influence, a harmony of something seen with something believed and unseen. The Church, reformed by the councillors of Tudor sovereigns, said that matrimony was not a true sacrament, but only a rite in some measure resembling a sacrament. This reformed Church, though in other things criticised sharply by seceders, was allowed for some two hundred years to treat matrimony in its own way, and to bring people up in the belief that this change of state was effected by a clergyman. Common sense approved of the bride and the groom standing before a 'congregation' in the place most frequented by the neighbours ; and Puritans, who abhorred the sign of the cross on the forehead, and the kneeling before bread and wine, were not shocked by anything in the office of matrimony, in the ring touched by the clergyman before the man puts it upon the woman's finger ; in their kneeling to pray for a blessing on their purpose, in the announcement of a 'mystery' lying behind the secular transaction.

But it turned out that the Church made too much

of the officiating clergyman, and let him perform his functions without solemnity. The reproof came not from Dissenters, but from the most liberal and sensible politicians of the second Hanoverian reign. Mr. Pelham got Parliament to take order that English people, apart from the Scots, should be sober and circumspect in presenting themselves to the marrying clergyman, and that he also should be seemingly, if not really, discreet.

It seems to have been borne in mind by lawyers that the religious circumstances were not essential to the validity of the contract; some lawyers might perhaps have been found in every generation from James I. to William IV., who would say that the Church had usurped authority. Yet there was almost universal acquiescence in the rules settled in 1754. They were evaded by a few rebels against family rule, who went across the border into the jurisdiction of the Scottish State; and a good many fine people, who made an idol of family grandeur, bought legal permission for entering into the contract of matrimony without going to Church. Neither of these classes was likely to be recruited by evangelical Dissenters. Of these Protestants, who disliked the fixed liturgy of the Episcopal Church, there were for some generations many who, through association of ideas, felt that they were comfortable when ringed and exhorted by the parson; marriage was rather of a piece with Christmas feasting than with Baptism or the Eucharist; no one was committed to a theological doctrine by repeating after the clergy-

man that rhythmical form of words which expresses a hearty troth-plight.

The Unitarians, who were in doctrine further from the old Protestant Dissenters than any old Protestant sect was from the Established Church, seem to have been the first to ask for matrimony without church. It was in the year 1827 that they stirred; it was only for themselves. They were within a little of passing the Bill which exempted them, but the session was not quite long enough; and their scruples were left to simmer.¹

Seven years passed, and Unitarians were all the time getting their change of 'status,' their permission to found families, from clergymen who used Nicene phrases. The modern zeal for equality of rights was all these years sustained; and the ministers of religion in the English sects were feeling their strength, and pressing on the skirts of the privileged clergy; so that it was no wonder if Lord John Russell, who in 1828 had delivered the Nonconformists from a political restriction, undertook in 1834 to smooth their way in private law. He proposed that they should marry in their own chapels if they wished it; but he spoilt this boon for them by requiring them still to declare the intended marriages in the parish churches—so they would not avail themselves of his kindness.

¹ It was in the same session that an Act was passed to dissolve the marriage of Mr. Edward Gibbon Wakefield, the guide of colonizers, with a school girl whom he had lured from school and carried across the border; an outrage for which he, being prosecuted, with his brothers, for conspiracy, was very lightly punished. The case brought to light at once the laxity and the cumbrousness of British procedure.

Sir Robert Peel, wishing to conciliate them, and believing that he could beat his Whig rival in a compromise, persuaded himself that the publishing of an intention to marry was rather a help than a hindrance to those who meant to marry without the consent of parents or of guardians. From this he deduced not that 'the calling of banns' was to be done away with, only that Dissenters might escape it by going before a single justice of the peace, and declaring to him their wish to be in matrimony; this interview with a magistrate was to be private; it would be unpleasant to appear before the bench at petty sessions, amidst defendants charged with poaching and applicants for tavern licences. But the magistrate could not be expected to do more than administer an oath, and listen to a statement. He could not be asked to record the contract. The duty of recording or registering was still to devolve on the parson. But the Dissenter was to be spared the pain of all contact with the parson. Therefore the justice of the peace was to be asked to act as a go-between, and to pass on to the clergyman a copy of the document which expressed the marriage contract. When this flimsy plan was set forth, some members of Parliament, who spoke for the Dissenters, expressed, on the whole, gratitude to the Minister; but they did not think the arrangement for keeping Dissenters out of clerical contact was quite satisfactory, because many justices of the peace were clergymen. Sir Robert Peel almost confessed that his device was futile; he knew and avowed that nothing would

answer the purpose except a purely secular office for the registration of marriages; and, as this office would also have to register births and deaths, it could not be formed offhand.

The matter stood over to another session, apparently because the Minister went out of the Treasury before he had a chance of referring the Bill to the Committee of the whole House, which would in due course unstitch it and restitch it. Such discussion as there was favoured the rational principle of considering marriage as in its essence secular or legal, in its accidents religious or festive. No indignation was expressed against the slackening of the Church's power. A Whig lawyer enunciated the plain doctrine, that the reality of marriage lay in the secular or civil covenant. A coarser Radical said that, when two people were bound by their mutual promise, they should be allowed to follow up the business by any 'entertainment' they chose; this word included religious rites.

In due time registration was established, and the registrar became the State's officer for certifying marriages, but his office was without provision for publicity and solemnity. It was thought a shabby way of getting married, yet it was convenient for those who did not care to avow any opinions on supernatural things. For the great bulk of society places of worship had more attractions; and the Act of 1836 gave a choice of such places. It allowed buildings, which were not consecrated by Bishops, to be used, under licence, for weddings. It was found that most

weddings took place in churches, but this was optional. The regular clergymen continued, without costing anything to the State, to act as civil servants in registering marriages ; and many ministers of sects, which prayed and preached in decent chapels, were allowed to discharge the same civic duty.

In France, which has been under the plane of consistent reasoning, it is so absolutely secular an act to marry, that a priest, if he joins a couple and blesses them before they have been to the mayor for the declaring of their contract, is heavily punished for presumptuous intrusion. In England, most people of refinement are accustomed to believe that the essence of matrimony is in the religious ceremony ; and the Legislature connives at their mistake. For the English Legislature belongs to heads of families, not to men in whom family thoughts are subjugated by doctrine or by profession. These men, who shape and who execute the laws, escape only for short seasons, if at all, from domestic motives. There may be a year or two in a man's life when the conceptions suddenly formed in Oxford or London are dominant ; and if this time coincided with political opportunity the intellect would make havoc of mixed motives and customs. But it generally happens that the spirit of theory evaporates whilst the thinker is waiting or toiling for the opportunity ; and in the ripening of character the love of truth becomes less strong than the desire of household continuity. Even philosophers go to church to meet their brides,

because on the light of reason has fallen already the shadow of coming affection ; they may think lightly of the kneeling and the benediction, but they value the ethical sentiment, and it might be lost in the registrar's inky closet.

As with the grievances of Nonconformists, so with the maladies of the Church, the altered Tory was a projector of schemes in rivalry with those Whigs who were satirically called the patentees of improvement. He tried his hand at a subject of long standing which, although it was a clerical topic, was by no means spiritual, the commutation of tithes in English benefices. He made a proposal : it was dropped when he left office ; it was taken up and altered by the Whigs who drove him out ; their scheme was more efficacious than his, but he shares the honour of contriving an economical settlement as skilful though not so important as the Poor Law. The change of tithes from a portion of the land's produce to a more commodious thing, money, had been brought about, in the course of seventy years, in two thousand parishes ; but every parish obtained the change through a special Act of Parliament. It was reckoned that each of these parochial reforms cost two thousand pounds. No wonder, if lawyers were conservative, and zealous for the Church. If tithes were not commuted, there was much litigation ; if suits for tithes were escaped, the escape brought employment to those attorneys who had parliamentary business. The age of Peel and Russell is the age of general public Acts passed by statesmen to preclude

much retail legislation and to supersede many formularies of practitioners.

If it had been feasible to establish a simple and adequate land tax, the reformers would have found it worth while to survey the country ; and on a survey they might have based not only the land tax payable to the State, but also the tribute claimed by the beneficed clergy. As it was, tithes were important enough to justify expenditure on making maps of parishes ; and these maps have been useful for the selling and letting of farms and for the assessment of rates. But it is one thing to measure a piece of occupied ground, another thing to determine its value. The State, if it maintained itself on land tax, could not do as the tithe owners were obliged to do ; it could hardly estimate a farm or a plot by watching the prices of wheat, or the prices of cereal grains generally. Sir Robert Peel saw how unstable a valuation must be that was based on wheat only ; and he studied the question at a time when wheat was so cheap that a money payment deducted from its price must have been unsatisfactory to the parsons. He went beyond wheat to the poorer corn crops. But this was not a great step to take. His Bill was on the whole weak, inasmuch as it did not make the substitution of a rent-charge for ' tithe in kind ' compulsory.

In taking the seven years' period for striking an average of harvest produce he was, like other men, guided more by the sacredness of the number seven


than by a doctrine of probabilities founded on observations of skies. His recorded speech betrays no foreboding of any great change in agriculture to be caused either by chemistry, or by machinery, or by an altered labour market, or by foreign competition. His mind seems fixed on securing peace between parsons and farmers. It was clearly right to reduce the top hamper of the English Establishment ere such a storm as had raged in Ireland fell on it. Its danger would be increased if the tillers of the land continued to be worried by uncertainty in rendering it their sheaves.

Mr. Pitt, to raise money when urgently needed, got landowners to pay down moneys and rid their estates of land tax. As land tax was thus 'capitalized,' or, as the lawyers would say, 'redeemed,' so might tithe be. The collection of tithe was so vexatious, that men of sense and spirit would have been eager to release themselves by speedy quittance; so discouraging to agricultural innovators, that the Treasurers of the State in their legitimate pursuit of taxable objects would be glad to see it abolished. In England it was in 1835 apparently feasible, and subsequent experience has verified the opinion, to leave the beneficed clergy in possession of annual revenues drawn from other men's lands, and yet to give scope to progressive agriculture; so that commutation was in the foreground, and redemption fell into the distance. But in Ireland redemption of tithe was the primary object, at least in the vision of Sir Robert Peel. He was obliged like his predecessor to frame a Bill about

Irish tithes ; he could not have been sanguine about passing it, but he did his best.

It was part of his plan to make the landlords pay to the parsons, and indemnify themselves by charging more to the tenants ; the landlord's annual payment would, he hoped, cease at the end of three years, as the Commissioners for managing the Church revenues would sell the rent-charge and the landlord would buy it. Thus the Irish clergy would become stipendiaries, drawing their incomes from the interest of the capital obtained by the Commission through sale of rent-charges. Being stipendiaries they would be screened from observation ; everything would be done through clerks inaccessible to riband men. Poor they might be, but in peace at last. They were to be excused paying what they owed the Treasury for moneys paid out of the State's revenues ; in this indulgent dropping of a claim Whigs and Tories agreed, and the supposed democracy, which was to have been so stingy, allowed its representatives to vote away a million sterling as carelessly as a great shopkeeper expunges a bad debt.

In the fourth year of perplexity one would think it was high time to wipe out arrears, to remit loans, to compound for future tribute, to close the question in Parliament, to hand over the protection of Irish clergymen to a Board in Dublin. But it was not to be so. The Whigs were not unreasonably bent on proving to the Court that it had made a mistake in upsetting them ; they had to cut the session in two and check the Tory blossom before it set for fruiting,




They entrusted Lord John Russell, their keenest and most tenacious man, with the conduct of their party. First and last he led the party for twenty years, and on reflection he averred that the first months of his leadership were the most trying. Having lost many county seats in the general election, he perceived that he was in danger of losing also the votes of some county members who were not Whiggish enough to dislike Sir Robert Peel, whose Whiggery was so old-fashioned as to make them cling to the bulwark of Protestant faith, the Irish Establishment.¹

In dethroning Mr. Manners Sutton, he had won a victory with so much difficulty that it did not better his position in laying siege to the stronghold that lay behind the new Minister's lines. With all his merits he could not hope to rule over men's hearts like Lord Althorp. He was as magnanimous as Lord Stanley ; but, being undersized, he was suspected of an inclination to petty thoughts. Far more courageous than Sir James Graham, far less likely to say a rash thing after midnight than either Stanley or Graham, he was nevertheless tiresome in a set speech ; he had a mechanical emphasis, which consisted in taking two steps from his bench to the table, thumping a box, and taking two steps backward ; his voice was the voice of a gentleman, but not of a thoroughly good-

¹ This attachment of old Whigs to the Irish Protestants may seem to people of this later age doubtful ; they can find it set forth plainly by Sir James Graham in the debate which began March 30, 1835. He said that a true Whig was jealous of the Catholic religion as an engine of political power, and warmly attached to the Protestant religion as by law established. He was not in this gainsaid by Whigs who followed in the debate, although they were going to vote against him.

natured gentleman. He was the sort of man to hold his own against a Napoleon or a Nicholas ; but they might have asked whether this was a thoroughly good specimen of the English nobility. Throughout his career he seems to have wished, and failed, to know many men whom he was bound to know, and not even to have wished to know many others in whom a more ranging spirit would have taken interest. Perhaps it was not peculiar to him, perhaps it was not peculiar even to the Whigs of his school, to keep a waiting room in the mind, and to put off the greeting of a new idea ; but this is the impression that the Russell Whigs have left.

Lord John Russell at all events was in demeanour not better qualified to win adherents than Sir Robert Peel, and his position was far less attractive to generous people. He was trying to bring back to tameness the poor old King, to whom the world did not grudge the pleasure of breaking loose. He was scheming to send back into Opposition a Minister whose intellect was evidently too fertile to be satisfied with a critic's work. As far as can be gathered from the records, it would appear that his success was not desired by one of the principal Whigs in the House of Commons, Mr. Henry Grey, Earl Grey's eldest son, who held by courtesy his father's second title, Viscount Howick. The second Grey was a more comprehensive student of politics than the first ; he was a firm reasoner on definite lines, but as likely as anyone to be thrown off these lines by encountering a personal character that jarred with his own. He



reasoned against the maintenance of the Protestant Church in Ireland on the ground that it split the Irish people in twain. He was so young that he might hope to see the abrogation of its privileges ; towards this end he was bound by reason to take steps one by one ; the diversion of spare funds from liturgy and preaching to school-books and educating was one of the steps ; therefore he would have to vote for a resolution which affirmed the right of the State to make the diversion, even if this resolution were disputed at his peril by the Conservative.

Lord Howick was one of the more resolute doctrinaire Whigs, not the most persuasive, but foremost in dignity. Sir John Hobhouse, a fearless Liberal ; Doctor Lushington, who thirty years before had purposed to move the impeachment of the Marquess Wellesley ; Mr. Grote, who knew how to compare the institutions of cities and of realms ; Mr. Fowell Buxton, who loved justice and hoped that the Christians would increase in Ireland now that no unrighteous laws favoured them ; such men as these, having no personal resentment against the Court, were to be drawn to a vote against the King's new servants ; and they would think it worth while to speak and act on the appropriation of Church money to schools. So would the more mercurial spirits amongst the Reformers, who believed in Bentham ; they had no affection for clergymen, unless, like Mr. Malthus, they were philosophical clergymen ; to them the Irish Church was part of the musty patchwork of obsolete fashion. The

principle of secularizing funds called sacred, a principle veiled by the Russell Whigs under a less sweeping notion of educating in school rather than in Church, was a point of the new liberality. Since the destruction of rotten boroughs there had not been proclaimed by Liberals in authority any principle so earnestly withstood by Tories of ministerial rank as to satiate a youthful reformer's animosity ; it was high time to let the pack run for blood.

But, in this way of putting it, one slides into the conclusion that the Whig leader should, in 1835, move for 'appropriation' by itself. What he actually did was to insist on fastening the principle to an administrative Bill about tithes. If he wished the State to be rid of the disorders caused by Irish tithes, he should have voted for the Tithe Bill. Appropriation was a fair corollary to the Stanley Act about Irish Church Temporalities, not to any Irish Tithe Act. Lord John Russell showed impatience in grasping at the supposed surplus. He was in a hurry to show that there was going to be a surplus, some fifty thousand a year ; he would not wait for the report of the Commission appointed nine months before to search for parishes that had less than fifty resident Protestants. He asked the Minister when the report was coming. One of the Commissioners had told him that they were nearly ready with it, and it might be given in dribblets. Sir Robert Peel noticed with a slight rebuke the breach of discipline committed by the unwary inquirer. He ought to have informed the Irish Secretary, Sir Henry Har-

dinge, not the late Paymaster of the Forces ; for the Commission, though appointed by one Ministry, was now serving another.

Yet this party conflict was singularly free from heat and roughness. The question of the surplus was one on which the two leaders had talked in a good-humoured though emulative manner the year before ; they did not dislike each other for holding opposite views either as to the likelihood of squeezing anything out of the clerical endowment, or as to the legitimacy of spending it on lay services. Each knew that this was the most convenient battle-field for their parties. The Tory knew that here he would have the disinterested help of Lord Stanley, and that the next time writs were issued to borough and shire he would be backed by new forces—by admirers of Lord Stanley, by despisers of Mr. O'Connell. The Whig, as he has himself written, made it his object to lay before all sets of Reformers something on which they could agree permanently, and it must be owned that he succeeded ; for he kept appropriation before their eyes as a project after he had recovered the power of enacting it, and he saw thirty-four years pass before the Liberals deprived themselves of his war-cry by abrogating the Irish Establishment.

By manfully closing with his adversaries on the issue determined Sir Robert Peel secured the lasting friendship of Sir James Graham and ten years of honourable alliance with Lord Stanley. The two had acted together in December, when he wrote in

a stately but open manner to both separately, receiving from the Baronet the compliment of an oral answer after a deferential journey from Cumberland; from the Earl's son a long and excellent answer in writing. The letter serves for both, since the one who talked knew what was written and assented to it. They were then unwilling to take office under Sir Robert Peel, to sit in Cabinet with the Duke of Wellington, because, though they were content to seal up the dispute about Parliament Reform, they could not with honour forget the subsequent behaviour of the Duke of Wellington towards the Grey Ministry. They were proud of Lord Palmerston's foreign policy, of the deliverance of slaves, of measures which the Duke had blamed. They were Whigs, and men eager for progress; it was too soon for them to halt and face about; they must wait till they were publicly and urgently called to the defence of the Protestant institutions. At the end of four months the case was clear enough to be understood by the world. The Whig leader was persistently thrusting on the House of Commons the principle which pleased the secular Liberals, and, for the time, stayed the appetite of the O'Connellite Catholics. The Tory leader had fenced with other proposals, but he was to stand or fall on a question of religious obligation. The two Protestant Whigs came over to share in a defeat which they never hoped to avert; there could hardly be a more honourable change of allegiance. In becoming Conservatives they set buds of intelligence on the stock of prudence. They

seemed to impoverish the Whig party, but by their vacancies they drew upwards the second growth of Althorp Whigs, men at least as high-minded as themselves, Mr. Francis Baring, Mr. Labouchere, Sir George Grey, Mr. Charles Wood.

The Russell party finally prevailed over the Peel-Stanley party by a small but sufficient majority. Its vote for appropriation was, first, a normal Whig vote, inasmuch as it read a lesson to the King; secondly, a step onward in rational policy, inasmuch as it was a defiance of the Churchmen, who were for consecrating some things belonging to the living bodies of men. Resistance to the appropriating party was wholesome Toryism. It vindicated the King, for, after all, he could not be far wrong in forestalling the promotion of the Minister who was preferred by more than half the enfranchised men of South Britain. It brought to a clear heat those consciences which had been smoky in the Reform Bill days. A body of skilled administrators and lawgivers, fit to compete with the Whigs, ready to do justice to the Dissenters, capable of arguing against the Radicals, feared by the Repealers, admired by the most disinterested of the Foxites, was seen obeying the rules of parliamentary play, and withdrawing into Opposition when outnumbered by twenty-seven, without bitterness, with hardly a sense of failure, with a sure hope of coming back to official power. So the State rested on two improved sets of gentlemen, each having authority. For legislation and for the conduct of affairs the nation had at least twice as

great a stock of capable agents as it had twenty years earlier.

Here, then, the student of politics touches a good instance of progress effected by that composition of forces which is given by parties. In countries where there are no parties there may be as great a supply of cleverness as in Britain ; but in those countries an able man generally seeks his own good. In Britain such a man seeks power under conditions ; he is not always asking for it, or ready to take it ; he must keep stroke with comrades whom, on the whole, he respects, of whom he regards many with an affection stronger, because more intellectual, than the friendship of fellow soldiers or of fellow travellers, less entangling than the ties which bind priests together. To forego power, to fall, to lose opportunities of action, is to this man less grievous than to the servant of a Czar or a Sultan, of a Pope or of a turbulent city ; because he feels about a parliamentary defeat as an old Greek poet felt about an eclipse, 'he is to suffer with many.' He is not singly a suitor for favour ; it is his party that woos the nation in rivalry with the other party. The more the partizans exert themselves to rule by persuasion, the better for the Commonwealth.

In the spring of 1835, when the Conservative Party was hammered together by Lord John Russell's repeated blows, the British nation was enjoying some retrenchment of expenditure, some beginning of social purging, much bounty of the earth, much new produce of science applied to the increase of commodities,

Parliament, to which it owed a great part of this happiness, was apparently busy with personal quarrels, with the assertion of its rights against a King of whom no one could pretend to be really jealous, and with tossing about the penury of a thousand clergymen and the superfluities of another thousand, just to see who should be its leader. Commercial men took little heed of the factions ; ' the City ' was liberal, but not zealous for progress ; Liverpool and Glasgow were content, as long as there was no coast blockaded by Russian or French cruisers ; Manchester and Birmingham were intent on their iron roads ; no one asked or hoped for the new great markets that were to be thrown open to them by politicians. Literary men were cherishing the belief that they had essences for sale that could heal the nation ; that without any law or physics they could shape things on ideas ; that they were above the politicians. Politics began to be thought barren and frivolous, just when the high critics, the sad prophets, the guides of conscience, the interpreters of sky and mountain, were entering on some of the regions explored by philosophers and opened to all comers by lawgivers.

It would be easy to count up many distempers that needed remedy, and were not, in 1835, noticed by the Peels and Russells. As fast as prosperities came to light there came also dislocations, congestions, atrophies. One must not expect Parliament men to observe all evils as soon as they are observed by writers. Whigs and Conservatives were no doubt lagging behind the Carlyles, the Newmans, the Mills.

There were to be some good, some durable results of intellectual enthusiasm working in the Church, the press, and the associations of 'world-betterers.' The Reformed Parliament and the rival parties were permeable to the currents of noble discontent ; only it behoved the profound people to be rational, and to do their work, slowly, through law.



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